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A HISTORY OF KENTUCKY

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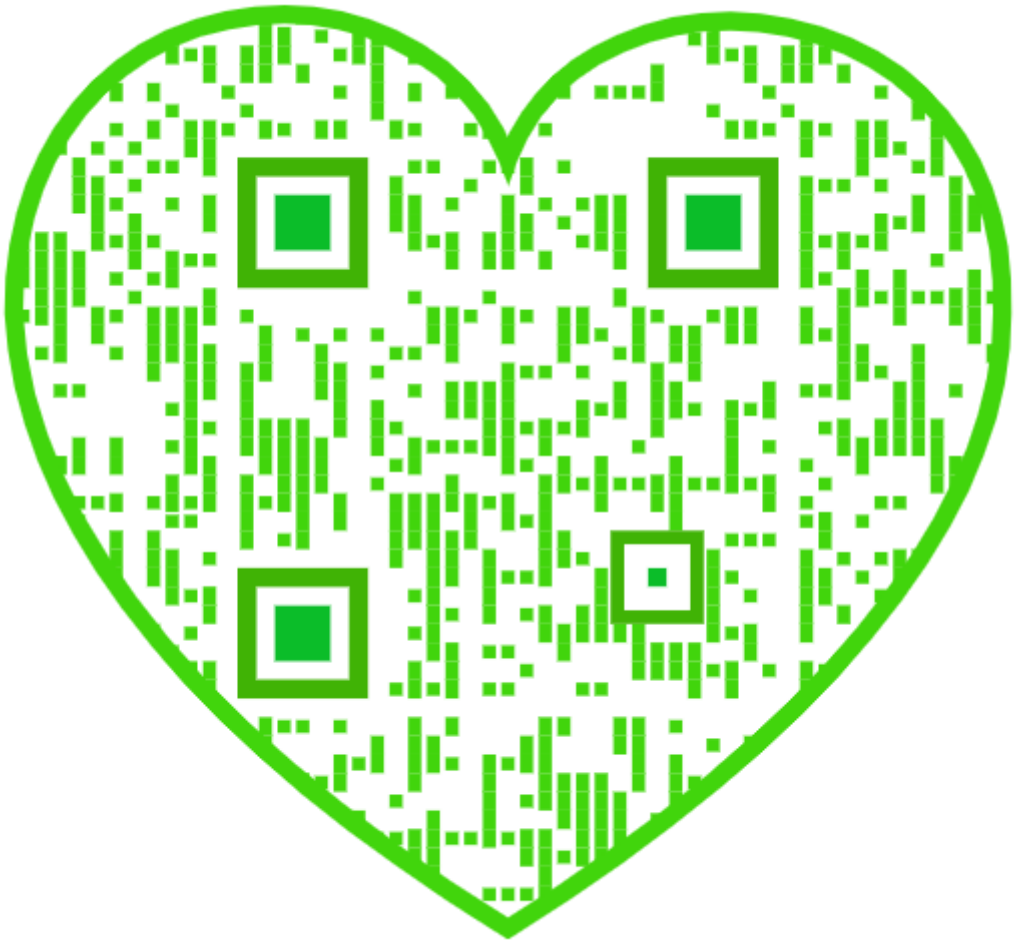

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A

HISTORY OF KENTUCKY

BY

ELIZABETH SHELBY KINKEAD

NEW YORK ·:· CINCINNATI ·:· CHICAGO
AMERICAN BOOK COMPANY

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HISTORY OF KENTUCKY

EP 28

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TO THE MEMORY OF MY FATHER

William Bury Kinkead

FROM WHOM WAS DERIVED

WHATEVER TRUTHFUL UNDERSTANDING OF THE KENTUCKY PEOPLE

THIS LITTLE BOOK CONTAINS

KENTUCKY
FROM ITS SETTLEMENT
TO THE CIVIL WAR
SCALE OF MILES
0 5 10 20 30 40 50 60
INDIANA
OHIO
ILLINOIS
MISSOURI
TENNESSEE
WEST VIRGINIA
VIRGINIA
Cincinnati
Newport
Covington
Chillicothe
Point Pleasant
Vincennes
Maysville
Ashland
Big Bone Lick
Blue Licks
Oldham
Cynthiana
Rapids of the Ohio
Louisville
FRANKFORT
George-town
Ruddle's Sta.
Paris
Pisgah
Bryans Sta.
Mt.Sterling
Versailles
Lexington
Kaskaskia
Camp Nelson
Bardstown
Harrodsburg
Boonesborough
Camp Dick Robinson
Richmond
Perryville
Danville
St.Asaph's or Logans Sta.
Camp Wild Cat
Cumberland Mts.
Greenville
Bear Wallow
Padueah
Bowling Green
Glasgow
Russellville
Mill Springs
Columbus
Hickman
Tompkinsville
Cumberland Gap
Clarksville
Ft.Henry
Ft.Donelson
Big Creek Gap
Powell's
Nashville
Ohio R.
Mississippi R.
Tennessee R.
Cumberland R.
Green R.
Wabash R.
Kentucky R.
Licking R.
Scioto R.
Kanawha R.
Big Sandy R.
Rockcastle R.
Wilderness Road
BRADLEY & PRATES ENGRS, N.Y.

PREFACE

In the preparation of this book, an attempt has been made to relate the events of practical, everyday life, in such a manner as to make the study of the history of our State a pleasure to the pupil. While adhering to facts as closely as they could be ascertained, the aim has been that the whole shall entertain as a connected story. Special effort has been made to portray the spirit of the Kentuckians, in order that the student may understand and revere the people from whom he is sprung. To this end, more space has been given to their characteristics as indicated by tales of particular acts, than to the statistics of battles in which they have taken part.

As this is a narration of the life of a State, and as the connection of one incident with another is of more importance in a work of this kind than the grouping of kindred topics, the chronological order of development has been followed.

The subject naturally divides itself into five clearly marked periods. And these lend themselves readily to important subdivisions. That portion of the history which extends to the close of the War of 1812 belongs to the poetic stage in the State's life; and that which follows, to the prose stage. It has been necessary in developing the later prose periods to depart somewhat

from the simple method followed when setting forth the early poetic periods. But this seems rather an advantage; for if the interest of the pupil is awakened at the outset, he will be eager to follow the fortunes of his State to the end, and will, it is hoped, patiently study the more prosaic episodes, in order to get a thorough grasp of the whole.

It has been my earnest desire that the work should be historically sincere. The difficult aim has been constantly before my mind to make it impartial in all instances, and at the same time forceful and inspiriting. A Kentuckian, from my infancy I have been imbued with a knowledge and love of the State. And yet, having grown up in the New Kentucky, in her days of quietude, I have been enabled to approach the consideration of her significant periods with little individual prejudice. I have made a laborious and careful study of all available material, and I have tried to let the actions of the people, as they have been unfolded to me, speak for themselves, and reveal the Kentuckians. It is my hope that what I have written will find favor with my own people.

E. S. K.

CONTENTS

I — *PIONEER DAYS*

1669–1782

		PAGE
I.	First White Men in Kentucky	9
II.	Early Settlements in Kentucky	19
III.	The County of Kentucky	29
IV.	Division of the County	40

II — *THE STRUGGLE FOR INDEPENDENCE*

1782–1792

V.	The District of Kentucky	50
VI.	Beginning of the Struggle	59
VII.	The Spanish Conspiracy	69
VIII.	The End of the Struggle	82

III — *FOUNDING OF THE COMMONWEALTH*

1792–1850

IX.	Organization of the Government	93
X.	Political Situation in Kentucky	105
XI.	The War of 1812	116
XII.	Local Affairs	127
XIII.	Civil Affairs and the Mexican War	141

IV — *THE CIVIL WAR*

1850–1865.

PAGE

XIV. The Situation in Kentucky 151

XV. Kentucky's Position of Neutrality . . . 161

XVI. The Invasion of Kentucky 173

XVII. The Second Invasion of Kentucky . . . 186

XVIII. Civil Conflicts 196

V — *THE NEW KENTUCKY*

Since 1865

XIX. The Restoration of Peace 205

XX. The Era of Transition 212

Constitution of Kentucky 227

Index 273

I—PIONEER DAYS, 1669–1782

CHAPTER I

FIRST WHITE MEN IN KENTUCKY, 1669–1775

THE history of Kentucky is at once unique and attractive. It begins like a romance, thrilling in tales of heroic deeds and exciting adventures. From the earliest settlement of the State, all through the crises in its own life and the life of the nation, Kentucky has held an honored position, and has produced men of great and noble character. None but the brave dared or desired to risk the perils of these untried forests; therefore, Kentucky was founded by men of forceful qualities, remarkable as well for strength of mind as for endurance of body. The tide of immigration has passed, for the most part, to the north and to the south of Kentucky; hence its present population consists almost exclusively of the descendants of the early settlers. The men who are prominent to-day are, in the main, sons of fathers whose fathers helped to establish the Commonwealth.

Kentucky's honored position

Long ages before Kentucky was discovered, there dwelt in the land a race of beings called Mound Builders, on account of the mounds or monuments they erected. Many of these mounds have been opened, and have been found to contain bones of human

The Mound Builders

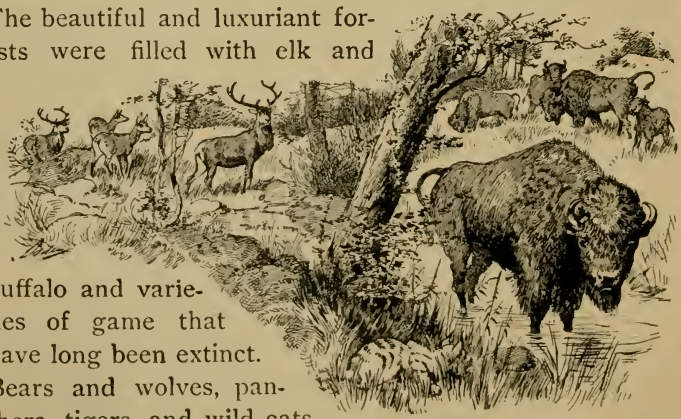
beings and of the mastodon (a gigantic animal now extinct), as well as implements of stone, flint arrowheads, and pieces of pottery. Until recently, historians believed that these

Relics from Mounds

remains indicated a people different from, and more civilized than, the Indians; but modern scientists have concluded that the Mound Builders were simply the ancestors of the present Indians.

Kentucky as seen by pioneers

At the time when Kentucky was visited by the first pioneers, it was not the home of Indians, as were many of the other parts of America; but it was the hunting ground and battlefield of neighboring tribes from the north, the west, and the south. The beautiful and luxuriant forests were filled with elk and buffalo and varieties of game that have long been extinct. Bears and wolves, panthers, tigers, and wild cats abounded in the dense undergrowth.



Wild Animals of Kentucky

Seven rivers drain the land, — the Big Sandy, the Licking, the Kentucky, the Salt, the Green, the Cumberland, and the Tennessee. Following a northwestward course through the east, the middle, and the west of the State, these all flow into the Ohio, and thence into the waters of the mighty Mississippi.

The Indians were by no means ignorant of the value of this land. They were prepared to resist its permanent settlement to their utmost ability, so that the pioneers, or first white men who came to Kentucky, had to contend not only with the wild beasts of the forest but with the equally savage Indian warriors. From the fierce encounter of Indians with Indians, and Indians with pioneers, it came about that the State was called "The Dark and Bloody Ground."

Indian valuation of the land

Indian Warriors

That courage which was a necessity to our forefathers is still a marked characteristic of the sons of Kentucky. The pioneers were men sent forth by the wisdom of God to found a new Commonwealth. They went in peace, but with their rifles cocked to defend their lives from the Indians.

Courage of Kentuckians

In the early days of American discovery, some people

believed that there was a great river in America leading across the continent to China. The distinguished Frenchman, La Salle, while in search of this river, in the year 1669 or 1670, passed through a portion of Kentucky from the Big Sandy to the rapids of the Ohio. As early as 1750, Dr. Thomas Walker of Virginia led an exploring party into Kentucky by way of Powell's Valley, through the mountains in the eastern part of the State, and built a log cabin on the Cumberland River. But the land company he represented was not successful, and he returned home with little knowledge of the country. One year later, Christopher Gist, an agent of the Ohio Land Company, beheld, stretching out before him, from some point on the Kentucky River, the impressive and beautiful land of Kentucky. There is also a tradition that, in the year 1754, a man by the name of McBride cut his initials on a tree at the mouth of the Kentucky River.

First white men in Kentucky

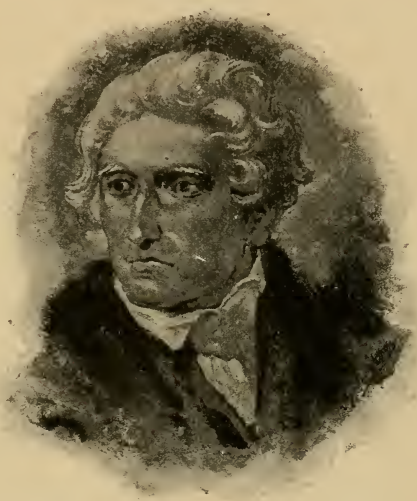
La Salle

Faint rumors now reached Virginia and North Carolina of the fertile land beyond the mountains, and, in the year 1769, John Findley piloted Daniel Boone and four other companions into the country which he had visited two years before. These courageous men were not driven by persecution, nor by the need to seek a livelihood for themselves and their families. Each one left behind him a "peaceable habitation," as Boone called his quiet home on the Yadkin, in North Carolina, and started forth with a rifle in one hand and a hatchet in the other, in quest of adventure.

Daniel Boone in Kentucky

They pitched their tent on the banks of the Red River (a branch of the Kentucky), and remained peacefully hunting until late in December. But one day Boone and John Stewart, when alone in the woods, were captured by Indians. After seven days they succeeded in making their escape, and returned to their camp, to find it deserted, no trace being left of their former companions. Boone and Stewart were soon joined by Squire Boone, a younger brother of Daniel's; but shortly after this, Stewart was killed by Indians. The two brothers, finding that they did not have enough ammunition, decided that the younger should go back to North Carolina to supply their need. Daniel was now left alone in the vast forests.

Boone and Stewart in the woods



Daniel Boone

In July, 1770, Squire Boone arrived with the ammunition. The two brothers remained until March of the following year, and then returned to North Carolina. Five other adventurers had joined them in their camp on the Red River. In the year 1769, a party of about forty men from Virginia and North Carolina went out on a hunting expedition. Nine of this

The Long Hunters

company, led by Colonel James Knox, reached Kentucky the following year, and explored the country about the Cumberland and Green rivers. They did not come in contact with Boone's party. From the length of time all these adventurers were absent from home, they were called "The Long Hunters."

Up to the year 1763, France had claimed the country on the east of the Mississippi which included Kentucky.

Conflicting claims

After the French and Indian War, Great Britain gained the right to this region. But because of prior possession, various tribes of Indians laid claim to the country. In the year 1768, the English government purchased from the tribes of Indians called the Six Nations the title to all the lands lying between the Ohio and Tennessee rivers. This treaty was held at Fort Stanwix, now Rome, in New York.

Bounty lands on the Ohio River were then granted to many of the officers and soldiers of the Virginia troops,

Surveyors sent to Kentucky

and surveyors were sent to mark them out. Thus were brought to Kentucky many of the clever and gallant young men of Virginia whose names, or those of their descendants, afterwards became associated with the history of the State.

Two interesting characters of this period were Hancock Taylor and John Floyd. They were deputies under

Hancock Taylor and John Floyd

Colonel William Preston, surveyor of Fincastle County, Virginia, of which Kentucky was a part until 1776. These men started forth in the high hopes of their young manhood, to survey the far-famed lands of Kentucky. Honor and wealth lay before them, and all the exciting pleasures of a perilous undertaking. The one was shot down by Indians a few months after his arrival; the other lived nine years —

long enough to establish his family in Kentucky, and to aid in founding the new country — and then he fell a victim to the same death.

There were other surveyors in the early days of Kentucky to whom a romantic interest attaches. Captain Thomas Bullitt, of Virginia, at the head of a party, in 1773, made surveys of land for Dr. John Connolly, at the falls of the Ohio, where the city of Louisville now stands. Close upon his explorations fol-

Other surveyors

Early Kentucky Settlers

lowed those of James Douglas, who visited Big Bone Lick, where he found scattered on the ground the bones of the mastodon, whose huge ribs he used for his tent poles. The scholarly John Todd, later to be noticed, and his brother Levi, came to Kentucky in the same capacity, as did also two representatives of the Lee family of Virginia.

The same year, there came into Kentucky a party of hunters and surveyors from Virginia, led by three brothers, James, George, and Robert McAfee, who later on became

prominent in the new country. This visit was for investigation, and after selecting lands on the Salt River, in Mercer County, they made their way homeward, well-nigh exhausted by the trials of the journey. In Powell's Valley they met a large party which Daniel Boone was guiding into Kentucky. The life in the wilderness was so delightful to Boone that he determined to make his home there. On the 25th of September, 1773, he set out with his wife and children, and was joined by five other families and forty men besides. Their progress was interrupted, however, on the very threshold of Kentucky soil by an Indian attack, and six of the company were killed, Boone's son being one of the number. This so disheartened the pioneers that they turned back toward their old homes.

The McAfees, Boone, and others

The same year, Simon Kenton roamed through Kentucky. The following year, James Harrod and forty men built themselves cabins and laid off the town of Harrodsburg, which, however, they were soon obliged to abandon. Shortly afterward, Governor Dunmore of Virginia sent Daniel Boone and Michael Stoner to guide out of the wilderness the surveyors who were in Kentucky. The Shawnee Indians had become so hostile to the settlement of Kentucky that it was dangerous for any white man to remain there. They were now gathering under their great chief, Cornstalk, for the bloodiest conflict that ever occurred between the whites and the Indians.

Indian hostilities

The battle of Point Pleasant took place the 10th of October, 1774, near the mouth of the Kanawha River. The white forces were collected by General Andrew Lewis, but the latter took no personal part in the fight, being occupied with superintending

Battle of Point Pleasant

the erection of certain breastworks, necessary for the encounter. The forces consisted mainly of sturdy Scotch-Irish from Virginia, under the command of Colonels Charles Lewis, William Fleming, and John Field. They were joined by two companies of brave men from beyond the Cumberland Mountains, who were eager to avenge the injuries they had suffered from the Indians; one of these companies was under the command of Captain Russell, and the other under Captain Evan Shelby, who, with his fifty volunteers from the Watauga settlement, in North Carolina, hurried forward to the encounter. The attack was opened upon the division of Colonel Charles Lewis, but he was soon mortally wounded. In quick succession, the two remaining colonels, William Fleming and John Field, were cut down, the one being wounded, the other slain. The command then fell to Captain Shelby.

From sunrise the battle raged fiercely. Victory wavered between the two sides. Many had already fallen, when, toward noon, Cornstalk determined to outflank the whites and, by a bold movement, to end the conflict. But just at this time, Isaac Shelby, then a young lieutenant left in charge of his father's company, determined also to make a flank movement against the Indians. He took with him two other companies, commanded by James Stewart and George Matthews. They crept through the underbrush, along the banks of the Kanawha, and surprised the enemy in the rear. The Indians became alarmed and began to retreat. The fighting, however, did not cease until near sunset. The victory thus gained by the whites was of the utmost importance in the settlement of Kentucky. Shortly afterward, the Shawnees entered into a treaty with Governor Dunmore, of Virginia. They gave up all their title to the lands

Result of the battle

south of the Ohio River, and promised not to molest the white men further. Peace now reigned for a time, and the pioneers were enabled to make their homes in Kentucky.

RECAPITULATION

Kentucky's romantic history.
Interesting relics found in ancient mounds.
Mound Builders the ancestors of Indians.
No Indian homes found in the region.
The region the Indian hunting ground.
A valuable region.
Indians determined to resist its settlement.
The courage of the pioneers.
La Salle in Kentucky in 1669 or '70.
Walker, Gist, and McBride come before 1754.
Findley guides a party in 1769.
Boone and Stewart captured.
They escape, to find their camp deserted.
They are joined by Squire Boone.
Stewart is killed by Indians.
Squire Boone goes home and returns.
The brothers leave in 1771.
The Long Hunters.
Great Britain gains the region in 1763.
Also, she buys it from the Six Nations.
Floyd, Taylor, and other surveyors sent to Kentucky.
The McAfee brothers.
Boone's party attacked by Indians.
Simon Kenton visits Kentucky.
James Harrod lays off Harrodsburg.
Indian hostilities force the surveyors to leave.
Indians gather under their great chief, Cornstalk.
The battle of Point Pleasant.
Colonels Lewis, Field, and Fleming killed or wounded.
Captain Evan Shelby commands.
Flank movement against the Indians.
The whites gain a significant victory.
Dunmore's treaty secures peace for a time.

CHAPTER II

EARLY SETTLEMENTS IN KENTUCKY, 1775–1776

In the year 1775, permanent homes were made in Kentucky. James Harrod and his company came back to their cabins, which they had been forced to leave by Indian hostilities, and the McAfees returned to their settlement on the Salt River. Not far from Harrodsburg, Benjamin Logan, with a few slaves, erected a station, to which he brought his family during the following year. A most important aid to the settlement of the country was the road Daniel Boone cut from Cumberland Gap to the fort in Madison County which bore his name.

Permanent stations

Far and wide was spread Boone's glowing account of the unknown region; and though he did not succeed in firing very many with a desire to brave the perils of its untried forests, the news soon reached some of the influential and wealthy men of North Carolina, who quickly foresaw the vast riches and power which might be theirs if they could gain possession of it.

Boone's account of the land

We have already seen that the Six Nations had sold to the English their title to that vast area of country which included the present State of Kentucky, and that after the battle of Point Pleasant, the Shawnee Indians, also, had renounced their right to the region. But such was the lawless and unstable condition

Sale of Indian titles

of Indian possessions that the ownership seemed to rest with that nation which had gained the latest victory in the tribal wars. Thus the Cherokees, likewise, asserted a claim to the land.

Captain Nathaniel Hart, of North Carolina, formed a company, known as Henderson and Company (consisting of himself, his two brothers, and six others), to purchase this Cherokee title. They chose Colonel Richard Henderson as their legal head. Across the country, a distance of about three hundred miles, Hart and Henderson went to hold a conference with the Indians at their villages beyond the Alleghany Mountains. The Indians promised to consider the matter, and sent a committee to examine the goods to be given in exchange for the land. These proved satisfactory, and a place of treaty was determined upon. On the 17th of March, 1775, twelve hundred savage warriors assembled at the Sycamore Shoals of the Watauga River. The nine members of the company were there, and all the men, women, and children of the settlement gathered to hear the decision of the council. When the Indian chiefs finally decided, after much speech-making on both sides, to sell to the whites their "hunting ground," — about seventeen million acres of land, — for the consideration of ten thousand pounds sterling, there was great rejoicing.

Henderson and Company

The land bought by the company lay on the other side of the mountains; and though it was covered with wide-spreading forest trees, they gave it the picturesque and not inappropriate name of Transylvania, *beyond the woods*. The purpose of the company was to found a colony of which they should be the proprietors, and to sell lands to persons desiring to make their homes in the region. The scheme was brilliant

The colony of Transylvania in America

and gigantic; and though it was soon abandoned, it had a most important influence on the future of the State. The proprietors were all educated men, who attracted to the country other men of ability.

Daniel Boone was sent ahead to open a road for the proprietors. The trace then cut was later widened into the famous Wilderness Road,[1] one of the two ways (the other being by means of flatboats down the Ohio) by which there entered Kentucky the brave men and women who laid the foundations of the State. Colonel Boone's company consisted of about twenty-two men, and they were joined by a party of eight, under the leadership of Captain William Twetty. Their task was not so difficult as it was perilous, and just before it was completed their courage was put to the test. One morning, while they still lay asleep in camp, they were attacked by Indians. Two of their number were killed, and one was wounded so seriously that he could not be moved immediately. With that spirit of heroism inspired by the times, several of the men remained with their wounded comrade at the risk of their lives, while the others went on ahead about fifteen miles, to select a site upon which to erect a fort.

Boone's road

When the proprietors arrived, they found three stations besides Boonesborough already settled in the country. They called for an election of delegates from these, in order that laws might be made for the government of the colony. Twelve delegates were duly elected and sent from Harrodsburg, Boiling Springs, and St. Asaph's or Logan's Station, and six

The Boonesborough parliament

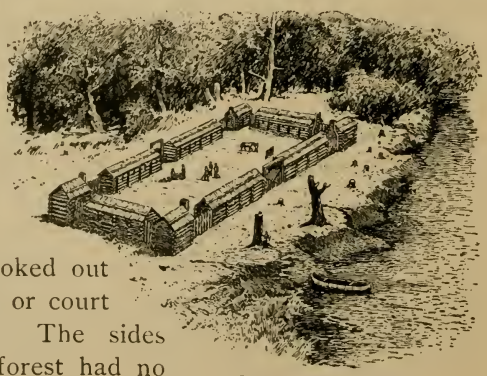
[1] *The Wilderness Road.* By Thomas Speed. Filson Club Publication No. 2.

were elected for Boonesborough. This first legislative assembly held west of the Alleghanies met at Boonesborough, May 23, 1775, under the branches of a mighty elm which could comfortably shelter in its shadow one hundred people. The parliament passed nine laws to the satisfaction of all concerned, and adjourned to meet the following autumn; but it never again assembled.

The independent settlers in the country soon became dissatisfied, and asked Virginia to take them under her protection. Accordingly, in 1778, the legislature of that State annulled the purchase of the Transylvania proprietors; but in order to compensate them for their loss, she granted them 200,000 acres of land, and gave good titles to all those who had bought lands from the company.

The structure Boone and his men erected at Boonesborough was the first military fortification on Kentucky soil, and it proved a very secure stronghold against the unskilled attacks of savages. It was laid out as a parallelogram, inclosed by posts sharpened at the end and driven firmly into the ground. At the four corners were built strong two-story log cabins with windows which looked out on the open space or court of the inclosure. The sides which faced the forest had no windows, but only loopholes through which the pioneers could fire at their enemies.

The Boonesborough fort



Fort at Boonesborough

The furnishings of the cabins were very rude, — a bed in one corner made of upright forks of trees, on which rested poles whose ends were thrust into holes in the wall of the building, and on these poles were thrown for mattress and covering the skins of wild animals; a rough-hewn dining table, and a few three-legged wooden stools. The windows were covered with paper saturated with bear's oil, through which the light penetrated, and an air of cheerfulness was gained by the huge fireplace which stretched nearly across one side of the room.

The furnishings of the cabins

Shortly after the fort was completed, in September, 1775, Daniel Boone brought his wife and daughter to Kentucky. At Harrodsburg, also, Hugh McGary, Richard Hogan, and Thomas Denton settled with their families. In November of this year, John McClellan brought his family into Kentucky, and, in company with Colonel Robert Patterson, built a station which was named McClellan's. Here, fifteen years later, the town of Georgetown was incorporated. With the coming of the women, home life began in the wilderness, with all of its hardships, its perils, and its inspiriting

Pioneer women

A Backwoods Girl

adventures. The women stood side by side with the men, and suffered and grew strong, labored and prospered, with them. To-day we look back to their lives of unselfish devotion, and are thrilled by admiration for their courage. There are no wild beasts for us to fight, no Indians, no dangers from hunger and cold. But if we would be true children of brave ancestors, there is a battle to enter far harder and more worthy of victory than any they were called upon to wage — a battle for the honor and purity of our own lives and of the State.

Daniel Boone can in no way stand as a type of the early Kentuckians. They were far more remarkable and clever men. He did not feel himself inspired by any high motive, though he was always kind and courageous. He sought the unpeopled lands of Kentucky because he loved the wild life of the woods. With the coming of civilization, he departed. But he was an instrument in the hands of God to open the way for the foundation of a great State.

Character of Daniel Boone

Simon Kenton

By the side of Daniel Boone there towers another picturesque figure, Simon Kenton, famous as an Indian scout, and the hero of many startling adventures.

Simon Kenton

His manhood began with a tragedy. He loved a girl who was won by his friend. He fought a duel with his rival, and, believing that he had killed him, fled from his old home in Virginia, and under another name tried to forget his deed in the wilderness of Kentucky. But he could not forget. The burden of that thought weighed heavily

Running the Gauntlet

upon his naturally kind and simple-hearted nature. Long years afterward, he ventured to return to Virginia to visit his family and to bring them to Kentucky. To his overwhelming joy, he found the man he supposed he had killed, alive and ready to be his friend.

Once he was captured by Indians. Eight times he was made to run the gauntlet; that is, to run down a long line of Indian men, women, and boys, each armed with a tom-

ahawk, club, or switch, with which the runner was struck. Three times he was tied to the stake to be burned alive, and every time he was saved through some unexpected deliverance. By his daring coolness, he filled even the Indians with terror, and thus he aided much in the settling of the new country. But he, too, like Boone, passed away before the advance of civilization in Kentucky.

Character of the Kentuckians

For the most part, the pioneers of Kentucky were from that unsurpassed race of people, the Scotch-Irish, who settled in the valley of Virginia, and then spread out into the neighboring States. Their ancestors had suffered religious persecutions in the Old World, and the pioneers brought into the rich, free land of Kentucky an intense love of God, of liberty, and of education, — three important factors in the greatness of a nation as well as of an individual. Such men, seeking homes and prosperity for their children, were not to be daunted even by the fury of the savages.

Healthful life of the pioneers

Occasionally, the faint-hearted would grow weary of the hardships and dangers, and would depart; but they left behind them the strong and brave who were worthy to be the possessors and founders of the beautiful new country. The men could not safely plant the crops, nor could the women milk the cows, except under the protection of armed guards who stood ready for the attacks of Indians; yet none the less they persevered in their determination to remain. An existence of healthful work with a steadfast purpose made them cheerful. The children played, and the young people laughed and were happy, although the only variety in their lives was the dread of a surprise or an occasional Indian raid.

One day in the summer of 1776, Jemima Boone and the two daughters of Colonel Richard Callaway were out

on the Kentucky River, in a canoe, when they were captured by five Indians. The girls tried to beat off the savages, while they screamed for help. Being unsuccessful in their efforts, they dropped broken twigs or torn bits of their gowns to mark the way they were carried. Boone and Floyd, with a party of men

A romantic episode

Beating off the Savages

from the fort, went in pursuit. They searched for two nights and days, but did not overtake the Indians until they had gone about forty miles from Boonesborough. There they found the girls, thoroughly frightened, but unharmed. It is entertaining to learn that three weeks later the first wedding upon Kentucky soil took place when Squire Boone united in marriage Betsy Callaway, the eldest of the girls, and young Samuel Henderson, one of the rescuing party.

RECAPITULATION

Permanent homes in Kentucky.
Harrod and his company return.
The McAfees again at their station.
Boone's account impresses influential men of North Carolina.
Their desire to buy the region.
The Cherokees' claim.
Hart and Henderson form a company.
Colonel Henderson elected president.
Conference with Indians at Watauga.
Indians sell their hunting ground.
Colony of Transylvania in America.
Boone cuts the Wilderness Road.
His company attacked by Indians.
Boonesborough fort erected.
Arrival of the proprietors.
Other stations previously settled.
Delegates appointed to frame laws for the colony.
Boonesborough parliament meets, May 23, 1775.
The proprietors' purchase annulled.
The compensation made by Virginia.
The Boonesborough fort, a strong fortification against Indians.
The rude furnishings of the cabins.
Daniel Boone's family arrive.
Other families come to Harrodsburg.
McClellan's station built.
Pioneer women.
Character of Daniel Boone.
Simon Kenton's adventures.
The pioneers mostly Scotch-Irish.
Character of the early Kentuckians.
Healthful and happy life in the wilderness.
Indian raids the only variety.
Capture of Jemima Boone and the Callaway girls.
Their rescue by Boone and Floyd.
First marriage on Kentucky soil.

CHAPTER III

THE COUNTY OF KENTUCKY, 1776–1780

Although it was not until 1778 that the title of the Transylvania Company was legally annulled, it had long before ceased to be considered valid. On the 4th of July, 1776, the Continental Congress adopted the Declaration of Independence, and in December of that year Kentucky[1] County was established by Virginia. Before this time, the region was a part of Fincastle County, Virginia, and so remote a part that the settlers had no voice in the government of the State. But now they were entitled to choose for themselves two representatives to the Virginia legislature, and to have local courts of justice and military protection. The change brought greater stability to the colony. Harrodsburg was selected as the county seat, and the first court was held there in September, 1777. It was composed of the ablest men of the time. Among the number were John Floyd, John Todd, Benjamin Logan,

Kentucky County established

[1] After the Transylvania Colony was abolished, the name "Kentucky" was adopted by the pioneers. "Kentucky is from the Iroquois word *Kentake*, meaning prairie or meadow land. The name probably originated in those treeless stretches of country between the Salt and Green rivers, which our ancestors called barrens. The Indians in early times burnt the trees off these lands and then designated them by *Kentake*, meaning the meadow or prairie lands." — *Centenary of Kentucky*, by R. T. Durrett; Filson Club Publication No. 7.

John Bowman, and Richard Callaway, all men of character, who became distinguished in the pioneer struggle for existence. Levi Todd was appointed clerk, and John Bowman colonel of Kentucky County.

For the next two years, the different stations were disturbed by frequent raids from Indians, which, however, did not result in any serious loss of life to the whites, but proved extremely distressing to the

Repeated Indian raids

Fleeing from the Indians

women and children and unfavorable to the growth of the country. Harrodsburg was first attacked, and then, in quick succession, Boonesborough and Logan's fort. An incident in connection with the latter siege is worthy of remembrance, as it illustrates the sagacious heroism of a man whose every act was honorable and courageous.

In the spring of 1777, some women were milking cows outside the fort, guarded by armed men, when they were fired upon by Indians. All fled toward the fort, but one man was killed, another slightly wounded, and a third so severely injured that he was unable to escape. The Indians left him where he fell, while they lurked within gunshot. Secure of his scalp, they hoped

Logan's heroism

Logan rescuing his comrade

to entrap others who might venture to his rescue. Inside the fort his wife and children wailed in apprehension for his fate, and still none dared face the certain death of going to his assistance. When twilight came on, Logan tied over his body the loose feather bed his wife had brought from Virginia, and getting down on all fours he crept outside the fort, grunting like one of the hogs which roamed around the inclosure. Suddenly he seized the wounded man, and darted toward the fort, before the sur-

prised and puzzled Indians had time to recover sufficiently to take sure aim at him. Balls and arrows flew about him, but he and his companion reached the fort in safety.

The Indians continued their resistance to the settlement of Kentucky, and yet the population slowly grew. Boonesborough suffered a second attack, July, 1777. At this time there were only twenty-two fighting men to defend the fort; but toward the end of the year that station was increased by fifty men and their families, and Logan's fort had an addition of thirty-eight families. There were now between five hundred and six hundred people in Kentucky; and only the stout-hearted came, for it was known that the Indians were powerfully aided by the English in their warfare upon the Kentuckians, and that it would probably be long continued.

Indian hostilities

We have seen that the country west of the Alleghanies and east of the Mississippi had been in the possession of the French, who began to settle it as early, probably, as 1688, after the celebrated La Salle (who made explorations there) had returned to his native land with accounts of the great river and the fertile country. Later on, a conflict arose between the French and English colonists in North America that developed into what is called the French and Indian War. After a long and fierce struggle, the French surrendered to the English in 1763. The old French villages, Kaskaskia, Cahokia, etc., in Illinois, and Vincennes, on the Wabash, were fortified by the conquerors, and, at the outbreak of the Revolution, these posts were the military strongholds of the English king. It was from them that the Indians, who had allied themselves with Great Britain against the Americans, received the supplies which enabled them to besiege the Kentuckians.

The British aid the Indians

George Rogers Clark had been contemplating an attack upon these British possessions that would subdue the power of the Indians, and open the west to the Americans. About this time he received an order from the Virginia legislature to lead his expedition into the Illinois country, as that region was then indefinitely called. Clark had visited Kentucky in 1776, and had determined to throw in his fortunes with that colony. He was a young Virginian of striking bearing and bold, unwavering character. He possessed precisely the order of talent fitted for the expedition to which he was called. His plan of conquering the Illinois country was adroit and vigorous. His victorious march from Kaskaskia to Cahokia, and the final capture of Vincennes, February 25, 1779, distinguished him as a man of high military genius. An account of these campaigns belongs properly to the history of the United States. Their result, however, was of inestimable benefit to the settlers in Kentucky and they rejoiced in the glory attending them; for most of the men who served with Clark either had lived in Kentucky or intended to make their homes there. John Todd, already a prominent Kentuckian, was made county lieutenant or governor of the Illinois country.

George Rogers Clark's expedition

George Rogers Clark

When Clark and his troops came down the Ohio in flatboats, on their way to the Illinois country, they brought with them about twenty families who intended to settle in Kentucky. They landed upon a small island at the Falls of the Ohio, May 27, 1778, and proceeded to erect a fort. Here they remained

Clark the founder of Louisville

until the following autumn, when they removed to the mainland and built a fort at the foot of the present Twelfth Street. In 1780, this settlement, which grew to be the largest city in the State, received the name of Louisville. On Christmas day a party was given in the old Twelfth Street fort. Everybody assisted. They called it a house-

A Christmas Party

warming, and they made merry together, dancing the Virginia reel to the music of an old negro fiddler.

Boone's capture

While Clark and his Kentucky captains were carrying on their conquests in the West, a very important event had taken place at home. In February, 1778. Boone and twenty-six men, who had gone to the Blue Licks to make salt for the different stations, were

captured by a party of Indians on their way to attack Boonesborough. The Indians were so elated with their prize that they abandoned the idea of going to Boonesborough, for the time, and returned in triumph with their prisoners, to their village, Chillicothe. There Boone remained until early in the following June, when the savages again assembled to carry out their delayed plan. Then he

Boone's Escape

determined to escape, and to warn his fort, whatever might be the danger to himself. He reached his friends, unharmed, in four days, after a journey of 160 miles, during which he had but one meal.

Boone's escape delayed, for several weeks, the plan of the Indians; but on the 8th of August, a formidable band of savages, painted and bedecked with all their war equipments, and with French and British colors flying, surrounded the fort. They were commanded

Siege of Boonesborough

by a French officer, Captain de Quindre, who demanded, in the name of his Britannic Majesty, the surrender of the garrison. Strange to relate, two days were granted for the consideration of this proposition, during which time all the horses and cattle were collected in the fort, and then Boone announced, with many jeers at the discomfited captain, that they were ready to defend their fort while a man was living.

De Quindre's ruse

De Quindre now determined to entrap Boone, if possible. He asked him, with eight other men, to come outside the fort to treat with him, and this was agreed to. But before the conference was over, the cunning officer said that it was a custom, when concluding a treaty, for two of the Indians to shake the hands of each white man. Thereupon two powerful Indians seized Boone and his men with the intention of capturing them; but the hardy Kentuckians wrung themselves free and fled into the fort. Soon the firing began. The Indians made an unsuccessful attempt to burn the fort, while de Quindre ordered a trench dug to undermine its walls; but his purpose was discovered in time and frustrated.

Result of the siege

The siege lasted nine days. The stoutest hearts were tried, but no one thought of surrendering. On the 20th day of the month, the warriors took their departure. Only two men among the whites were killed and four were wounded. The Indians probably suffered no greater loss; but they were discouraged by the resistance of the garrison, and never again attempted an attack upon Boonesborough. Clark's victories in the West, coming about this time, weakened the power of the Indians and inspired confidence in the hearts of the Kentuckians. Immigrants streamed into the country, and new stations sprang up everywhere.

News traveled slowly into the wilderness in those days; but the spirit of the pioneers was in ardent sympathy with the great struggle for independence which was going on beyond their borders. In April, 1779, Colonel Robert Patterson, in company with James Masterson, the McConnels, Lindseys, Morrisons, and others, began a settlement in the most beautiful part of the Blue Grass Region, to which the name of Lexington was given, in honor of the first battle of the Revolution.

Founding of Lexington

Robert Patterson

The same year, in May, the land laws were passed by the legislature of Virginia, and commissioners were appointed to consider all claims and settle all disputes on the subject. The court was opened at Logan's fort, October 13, 1779, with William Fleming, Edmond Lyne, James Barbour, and Stephen Trigg as commissioners, and John Williams as clerk. The bold hunter, whose greatest desire had been for romantic adventure, was now joined by the speculator, who sought fortune in the new country—Virginians, largely, in whom the love of land was bred as a passion.

Land laws

Altogether, the year 1779 was a notable one in the history of Kentucky. But following close upon its growth and prosperity came what is known in the annals of

the State as the "Hard Winter." Unmelting snows lay deep over the land. Horses and cattle perished, and even the wild animals shrunk to the bones. Only the bears, living in the hollows of trees, withstood the severity of the cold. Life in the roughly built cabins of the pioneers was trying during the mildest of winters; but it was torturing now. Because of the increased population, the supply of corn gave out. The only food was lean game, which was secured with the greatest difficulty. But the sufferings of the travelers who had been overtaken by the storms on their way to Kentucky were even greater. Crowded into the cabins, the settlers could manage to have some amusement for the time and could hope for the future. The women spun and wove, and the men made the utensils necessary for daily use. They turned their attention, also, to the education of their children. During this winter, a school was opened at Boonesborough by Joseph Doniphan.

The "Hard Winter"

As early as 1776, Mrs. William Coomes taught a school in the fort at Harrodsburg. She had no textbooks. Smooth boards of wood were used for paper, and the juice of oak balls for ink. The children learned to write and work examples from copies set them by the teacher. When they could read, they had Bibles and hymn books to study. Little private schools of this kind, where the pupils were taught to read and write

A Schoolhouse in the Backwoods

First schools in Kentucky

and calculate, were opened in the different stations. Perhaps the children studied as hard (being grateful for any opportunity to learn) as the boys and girls do to-day, who have cultured teachers and attractive text-books.

The spring brought many men of talent and education to Kentucky; it brought, also, continued warfare with the British and Indians. Captain Henry Bird, a British officer, with six hundred Canadians and Indians, invaded the settlements on the Licking River, June 22, 1780, and captured Ruddle's and Martin's stations. These garrisons offered no resistance to an army so formidable in numbers and supplied with artillery. Everything valuable that the forts contained was carried off by the savages. The inhabitants were captured and taken to the Northwest, where they were scattered among the Indians. Many of the women who could not travel fast enough were tomahawked.

Capture of Ruddle's and Martin's stations

RECAPITULATION

Kentucky County established.
Harrodsburg the county seat.
Men of ability compose the first court.
Indians attack Harrodsburg, then Boonesborough.
Logan's fort attacked.
Second attack of Boonesborough.
Population increases.
The British aid the Indians.
Clark's expedition.
His military genius.
He conquers the Illinois country.
John Todd made governor of the Illinois country.
Clark the founder of Louisville.
Christmas party at Louisville.
Boone and others captured at the Blue Licks.
A third siege of Boonesborough planned by the Indians.
Boone escapes to warn his fort.
Boonesborough attacked.
Indians commanded by Captain de Quindre.
Boone declines to surrender.
De Quindre's tricks unsuccessful.
The siege ended after nine days.
The population increases.
Lexington founded.
Land commissioners appointed.
Court opened at Logan's fort.
Speculators come to Kentucky.
The "Hard Winter."
First schools in Kentucky.
Capture of Ruddle's and Martin's stations.

CHAPTER IV

DIVISION OF THE COUNTY, 1780–1782

THE population steadily increased. In 1780, the legislature of Virginia thought it advisable to divide the County of Kentucky into three counties, — Jefferson, Fayette, and Lincoln. John Floyd, John Todd, and Benjamin Logan were appointed colonels of their respective counties, and William Pope, Daniel Boone, and Stephen Trigg, lieutenant colonels. Colonel Clark was raised to the rank of brigadier general.

Division of the county

The most important consideration of the newly settled country was military protection from the Indians. The next interest was the proper distribution of its lands. Each county had its special surveyor, — George May for Jefferson, Thomas Marshall for Fayette, and James Thompson for Lincoln. So great was the desire to gain property in this beautiful Kentucky country that on one occasion when General Clark had planned an attack upon certain Indian towns, he was obliged to order the surveyor's office to be closed, and to state that it would not be opened until after the expedition was over, before he could induce any one to listen to his call for volunteers.

Eagerness for land

Raids were no less frequent during the year 1781, but they were less carefully planned than formerly. The Indians were preparing for war on a larger scale, which they hoped would drive out the

Continued warfare

intruders from their hunting ground. But through all this tale of disheartening warfare runs the invigorating story of the valor of the Kentuckians, and pictures of noble magnanimity stand out to refresh us.

John Floyd, the colonel commandant of Jefferson County,

Wells assisting Floyd

had gone with a number of men to the assistance of a neighboring settlement. He was wounded, and was retreating on foot before the pursuing Indians, when he was overtaken by Captain Samuel Wells, who was also fleeing for his life. Floyd and Wells had been enemies, but the past was forgotten. Instantly the

Wells's magnanimity

generous captain sprang from his horse, lifted Floyd into the saddle, and ran by his side to support him, thus risking his life for his enemy. Both were saved and were friends ever afterward.

Estill's defeat

The following spring opened with a fierce conflict which has always been known as Estill's defeat. A party of twenty-five Wyandots were seen passing Boonesborough. News of the fact was brought Captain James Estill at his station on the south of the Kentucky River, near where Richmond now stands, and he started in pursuit of the Indians, with forty men. Shortly after his departure the savages came upon his unguarded fort, killed and scalped a young girl, and destroyed the cattle, before they departed. Two boys were sent as runners to bear the news of the tragedy to Estill. A party of the men returned to protect the women, while the rest, to the number of twenty-five, pushed on and overtook the Indians, not far from the present town of Mount Sterling. The fight which then occurred required hearts of unwavering courage. It was not a battle, but a combat of man with man. For nearly two hours the struggle lasted, each one of the company from behind a tree shooting toward the Indian he had selected. At last the whites were overcome. Nine were killed, including the brave Estill, and four were wounded. The latter, however, escaped with those who were uninjured.

McKee and Caldwell's army

In the month of July, two British captains, McKee and Caldwell, with a company of rangers from the British posts at Detroit, gathered together over one thousand Indians, — the largest body of troops up to that time collected west of the Alleghanies. It was their intention to attack Wheeling, but on their march thither, news reached them that General Clark was

on his way to surprise the towns of the Shawnee Indians. They turned back to defend these towns, and, to their mortification, found that the report was false. This so discouraged the Indians that a large number of them deserted; but the more resolute British officers were not to be thus deterred from their purpose to harass and fight the Americans. They succeeded in holding a company of over three hundred Indians and rangers, with which they pushed on into Kentucky, to attack the weak stations in Fayette County.

They reached Bryan's station on the morning of the 16th of August, 1782. Halting in the neighborhood of the fort, they sent a few Indian spies ahead to draw out the whites, meaning then to rush upon them with the whole body of their forces. Most fortunately, the majority of the men were inside the fort, making ready to go to the assistance of the stations on the south of the Kentucky River, whither the Wyandots had gone after Estill's defeat. The spies were discovered; and the oft-tried Kentuckians, wise in the tactics of Indian warfare, understood the meaning of their presence, and immediately began preparations for a siege.

Bryan's station attacked

Now there was no spring inside the walls of the fort; and water would be a necessity if the attack should continue long. The fetching of water was everywhere the work of women, a fact which the Indians knew. If the men should go for it now, the spies would immediately suspect that they had been discovered. The attack might then begin at once, which would be fatal to the garrison.

Heroism of the women

It was unlikely, however, that the women would be disturbed, and they were called together. The situation was explained to them. They were urged to go for the

water and to act as though they did not know that a band of savages was within gunshot.

There was a moment of intense excitement, of indecision and shrinking from the task; but the women in those stirring times of danger had acquired a warlike courage. Moreover, they had learned to forget themselves, and to think only of the good of their family, their station, and their country. The bravest among the

Marching to the Spring

older women stepped forward and declared their readiness to go on the trying mission. One by one, the younger women and girls followed, emboldened by this resolute spirit, until the whole body of women marched to the spring with their buckets, laughing and talking unconcernedly together. On their return, however, their steps grew faster and faster, and they fairly rushed into the safety of the fort.

Immediately afterward the attack began; but the garrison was now ready for it. Swift-footed runners were sent to summon assistance from the neighboring stations. Five miles away, at Lexington, Major Levi Todd, with forty men, had just started for the southern border of the country. A messenger overtook him, and in a short time he reached Bryan's Station. The British officers now saw that all hope of taking the fort by surprise was vain. At night the Indians attempted to set fire to it; but, being unsuccessful, they were quite ready to depart. However, there was a young white leader among them who determined to make another effort to force the fort to surrender.

The siege

This was Simon Girty, — known far and wide to the border people of that day as the "White Renegade," — a man despised by every one. When he was a boy, his father had been killed by Indians, and he himself had been adopted by them. He had grown up a savage, and chose to remain one. He possessed all the cunning cruelty of his foster brethren, and by his knowledge of English he became a power among them in their schemes to torture the Americans. He now made a speech to the fort's defenders. He spoke of the numbers with him, and of the reënforcements and artillery that were expected; but he told them that if they would surrender they would not be harmed. The Kentuckians knew that their rude fortifications could not withstand cannon; but they could not be intimidated.

Simon Girty

One of their young men, Aaron Reynolds, answered Girty in a bold, bantering spirit that won the admiration of his associates. He assured Girty that they were not at all afraid of his artillery or of his numbers; that, as for the latter, all the country was coming to their assistance.

Girty knew this, as did the Indians, and they concluded it would be the part of wisdom to leave; but they did all the injury possible, destroying the fields and killing hundreds of cattle, sheep, and hogs. On the following morning, they took their departure, having had five of their number slain and several wounded. Four of the whites were killed, and three injured.

Gathering of the riflemen

It did not take long to gather the riflemen of Kentucky. They answered the summons for assistance as hurriedly as did the clansmen of Scotland the signal of the "fiery cross."[1] On the afternoon of the day the Indians left Bryan's Station, 182 men, many of them commissioned officers, mustered there under the command of Colonel John Todd, the ranking officer of Kentucky, Lieutenant Colonels Trigg and Boone, and Majors McGary, Harlan, and Levi Todd. Without waiting for Colonel Logan, who was to follow as soon as possible with the forces of Lincoln County, they pushed on the trail of the Indians, and overtook them near the Blue Licks, on the morning of August 19. They halted and held a council of war. The Licking River lay between them and the enemy. Should they cross and open the attack at once, or should they await the arrival of Logan's troops?

The prudent decision was cast in favor of the latter course, when Major McGary, an impulsive man, filled with a passionate hatred of all Indians because his son had been

[1] In the border warfare of Scotland, "an ancient method of gathering the people was by sending the 'fiery cross' through the country. This mysterious symbol of haste and danger was formed of yew, first set on fire and then quenched in the blood of a goat. Every man who received it was bound to pass on with it through torrents, or over mountains, by day or night, until another took it off his hands." See, also, THE GATHERING, III. CANTO, *The Lady of the Lake.*

killed by some of them, plunged forward into the river, waving his hat over his head and shouting: "Let all who are not cowards follow me!" Immediately, as if fired by his taunt, the impatient troops rushed after him. The sober officers had no alternative but to follow. Soon the battle began. From the first the advantage was with the enemy, because of superior num-

Battle of the Blue Licks

McGary in the River

bers. Colonel Trigg was killed, then Harlan with nearly all his advance guard was swept away. John Todd and Boone tried to rally the men, until Todd himself was shot down. Then a wild panic took place. Leaving the dead on the field of battle, every one attempted to escape.

The fighting had lasted only about five minutes, and in that time the Kentuckians had lost seventy of their bravest

soldiers, twelve had been wounded, and seven captured. The loss on the other side was insignificant in comparison. Several days later, Colonel Logan arrived at the scene of the tragedy with four hundred men, — a force large enough to have completely overwhelmed the Indians. But all was over now. Nothing remained to do but to bury the dead where they had fallen. By the rash act of one man was brought about the greatest disaster that had ever befallen Kentucky.

After the battle

It is impossible to describe the anguish of that time. Sorrow and wailing prevailed everywhere. For weeks the women could not be consoled. But the unconquerable Kentuckians did not long rest in their mourning. The blow must be retaliated. Troops quickly gathered at the Falls under Colonel Floyd and at Bryan's Station under Colonel Logan. Uniting at the mouth of the Licking under General Clark, they marched rapidly into the Indian country. On the 10th of November, 1782, the Miami towns were burnt to the ground. Warning had been given the Indians, and they escaped into the woods; but all their valuable property was destroyed. From village to village, the mighty force of Kentuckians swept with their desolating firebrands. At last the Indians were conquered. Though, for ten years longer, occasionally a few straggling savages would disturb the security of the settlers, Kentucky never again suffered any serious Indian invasion.

RECAPITULATION

Kentucky County divided.
Jefferson, Fayette, and Lincoln counties.
Military officers and surveyors appointed
Great eagerness to obtain lands.
Indians preparing for war.
Samuel Wells's magnanimity.
Estill pursues a band of Indians.
A young girl killed at his fort.

Indians overtaken near Mount Sterling.
Estill's defeat.
McGee and Caldwell's army of over one thousand Indians.
A false alarm changes the course of the army.
A smaller force marches into Kentucky.
Attack on Bryan's Station.
Heroic women supply the fort with water.
The siege begun.
Runners summon assistance.
Indians fail to burn the fort.
Girty attempts to frighten the men into surrendering.
Aaron Reynolds's fearless answer.
Indians do great damage before departing.
The riflemen of Kentucky gather.
One hundred and eighty-two men at Bryan's Station.
The officers of the company.
The Indians are pursued.
Council of war held.
A prudent decision made.
McGary's rash act.
Battle of the Blue Licks.
Terrible slaughter of the whites.
Great anguish caused.
The blow retaliated.
Village after village destroyed.
The Indians are conquered.
No more serious invasions of Kentucky.

II — THE STRUGGLE FOR INDEPENDENCE, 1782-1792

CHAPTER V

THE DISTRICT OF KENTUCKY, 1782–1784

Kentucky's struggle for existence

BEYOND the borders of Kentucky, the Confederated Colonies were passing through their victorious conflict for independence from Great Britain — six terrible years of ceaseless warfare from the battle at Lexington, 1775, to the surrender of Lord Cornwallis at Yorktown, 1781. Cut off from the East by the high wall of the Cumberland Mountains, separated from the neighboring regions of the Northeast, the North, and the West by a connected system of waters, Kentucky was waging alone, unaided by continental arms and continental supplies, an equally terrible conflict. In the history of this era, too little recognition has been made of this struggle, whose successful issue gave to the nation a strong, faithful State, and opened the way for the conquest of the vast, rich West.

Peace with England

At Paris, France, on the 30th of November, 1782, the preliminary treaty of peace between the United States and Great Britain was signed. There were no ocean cables in those days, no telegraph lines, no railroads, no postal service. Slowly the news reached

the far-away land of Kentucky, told by traveler to traveler, or written in letters which were borne to friends by immigrants to the country. But early in the following spring the cheering fact was known.

At this time there were less than thirty thousand people in Kentucky. Now the growth became very rapid. By 1790, the population had increased to more than seventy-five thousand. The long war which had just closed had left the Atlantic States impoverished. The fertile lands of Kentucky offered an alluring prospect to families whose fortunes had been thus injured. From Virginia, Pennsylvania, Maryland, and the Carolinas, especially from Virginia, came this great influx of people to Kentucky. Of course there were some men among them of low character and slender ability; but the majority of them were clever, educated people of moral strength, who were notable even in that most remarkable epoch of American history.

Immigration to Kentucky

Among them were officers whose military genius had hastened the victory of the Revolution; soldiers whose unselfish loyalty had aided the cause; and young men of talent, fresh from the colleges of the East. Their names will fill the pages of the following period. The men whose rare courage and entertaining adventures stirred us in the story of the pioneer days, have passed away; either death has come to them, or they have finished their great work. Only one or two recur in the narrative of the public affairs of the new era opening before us.

By an act of the Virginia legislature the three counties, Jefferson, Fayette, and Lincoln, were united in 1783 and Kentucky District was established. A district court was erected, and John Floyd, Samuel McDowell, and George Muter were appointed

Kentucky District established

judges. Walker Daniel was also commissioned attorney-general, and John May was selected to be the clerk of the court.

The District judges

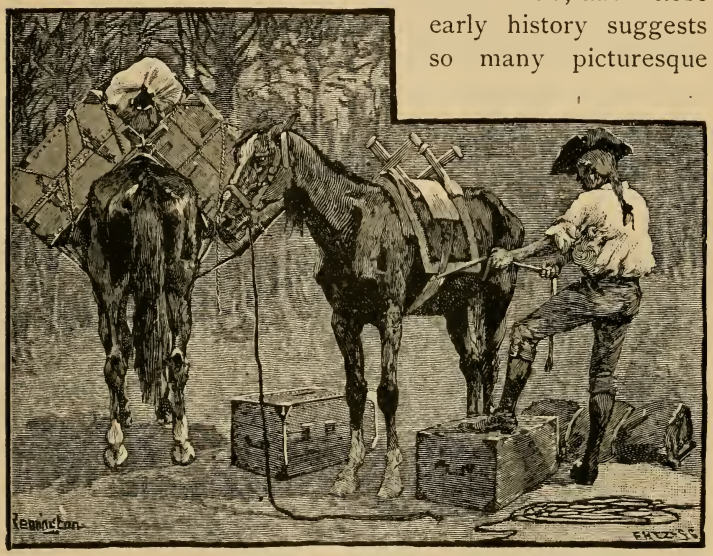
Shortly after his appointment, John Floyd, the vigorous, intellectual pioneer, was killed by an Indian. He had fought, unscathed, through the terrible border wars, and now, in the time of peace, riding unguardedly in the woods near his home, wearing his scarlet wedding coat, — a definite mark for the savages, — he received his death wound. It is a curious coincidence that two other members of this district court, pioneers like Floyd, met a similar death, — Walker Daniel in 1784, John May in 1790. The other judges were Virginians, whom the close of the war brought to Kentucky. They had been officers in the Revolution and each bore the rank of colonel. Their recognized worth and ability are indicated by their appointment to this position of trust and dignity. We shall have need to refer to them frequently in the following pages.

An Ohio River Flatboat

Founding of Danville

On the third day of March, 1783, the court was opened at Harrodsburg; but there being no house large enough at that place for its accommodation, it adjourned to a church six miles away. One of its first official acts was to order a log courthouse to be built at some safe place near Crow's Station (about ten miles from

Harrodsburg), and a jail also, of "hewed or sawed logs at least nine inches thick." The location was wisely chosen; it was on the Wilderness Road, the great highway through Kentucky, and within the famous Blue Grass region. From this judicial beginning grew the town of Danville, which became the seat and center of all the public affairs of the District, and whose early history suggests so many picturesque



Pack Horses

and interesting events. Each town in Kentucky has its particular tone. Danville may be characterized as sober and intellectual, self-respecting in the management of its own affairs, and unworldly.

Security and hope prevailed in Kentucky District, and its reputation increased abroad. Flatboats filled with immigrants were constantly landing at the Falls (Louisville), in the northwestern part of the

Prosperity

settled region, and at Limestone (now Maysville), in the northeast. Heavily laden pack horses brought a continued stream of settlers through Cumberland Gap, over the Wilderness Road.

At Louisville, Daniel Brodhead, an officer in the Revolution, who had recently come to Kentucky, opened a shop where all kinds of goods, imported from Philadelphia, were sold. The home-woven cotton gowns and sunbonnets were replaced by gay-figured calicoes and straw bonnets. There were also more costly articles for gala days,—silks and parasols for the maidens, broadcloths and silk stockings for the men. A Frenchman, landing at the Falls in 1784, described a party of young people that he saw thus attired starting off for an excursion on the river.

Brodhead's store

James Wilkinson

There is on record, also, an account of a party given by Mrs. Martha Donne to celebrate the first crop of wheat raised at the Falls, in 1783. The wheat was ground with a hand mill, sifted through a cambric handkerchief which Mistress Martha had brought from Philadelphia, shortened with raccoon fat, baked, and served for the refreshment of the guests. Thus early the town of Louisville took on its brilliant, fashionable, hospitable tone.

Early merry-makings

In February, 1784, General James Wilkinson made his advent into Lexington as the representative of a mercantile firm in Philadelphia of which he was the head. Wilkinson was brilliant in mind and affable in manner, but corrupt in morals and selfish in character. He acted an important part in the political events of the period. Wilkinson's shop, like Brodhead's, was a great advantage to the neighboring region.

James Wilkinson's advent

At this time there were eight towns in Kentucky: Louisville and Bardstown, in Jefferson County; Harrodsburg, Boonesborough, and Danville, in Lincoln County; and Lexington, Leestown, and Greenville, in Fayette County. Of these, Lexington was the largest. Never rapid, but always steady in growth, Lexington was advancing into that substantial business and social position which she has maintained until the present day. Her early interest in all things intellectual caused her to become the center of the literary culture of the District, and gave to her the title, — in the high-sounding phraseology of the time, — Athens of the West.

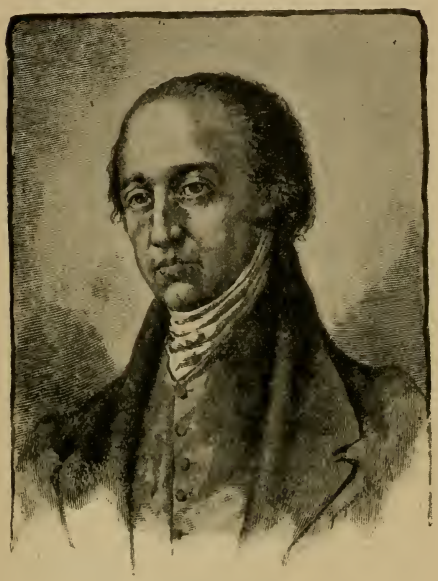
Lexington's position

Here John Filson[1] wrote the first history of Kentucky, which was likewise the first history of any portion of that vast region lying west of the Alleghanies. The fame of the "happy climate and plentiful soil" of Kentucky had reached Filson in his home in southern Pennsylvania, and he went thither to secure lands for himself. This was probably in the year 1782, when he was about thirty-six years old. He was a schoolmaster, and very well educated except in the matter of spelling and the use of capitals. He led a roaming, stirring life until his death in 1788. Shortly before that time, he had

John Filson

[1] *The Life of John Filson.* By Reuben T. Durrett. Filson Club Publication No. 1.

entered into a partnership with Matthias Denman and Colonel Robert Patterson (one of the founders of Lexington) to lay off a town where the present city of Cincinnati stands. Filson brought his Greek, Latin, and French knowledge into use to coin a name for his town: Losantiville — *the city opposite the mouth of the Licking.* While out surveying, he became separated from his companions and was never again seen. He was killed either by the savage Indians, or by the beasts of the forest.



John Filson

Filson gained the information for his history, and the map with which it is illustrated, from a close intercourse with Daniel Boone, Levi Todd, James Harrod, Christopher Greenup, John Cowan, and William Kennedy, whose "distinguished assistance" he gratefully acknowledges. Beside the map, the history is made further entertaining by a narrative of "The Adventures of Colonel Daniel Boone," which the author learned from the old pioneer himself. There was no printing press in Ken-

First history of Kentucky

tucky at that time, so Filson carried the manuscript of the history to Wilmington, Delaware, and that of the map to Philadelphia, where the book was published in 1784. One year later it was translated into French by M. Parraud, and published in Paris. This little book is now very rare and valuable.

We have noticed the early desire of Kentuckians for education. Thus far, all that had been possible were little private schools held within the stations. Now we are to learn something of the first school or college in the West. In 1780, the Virginia legislature passed an act to establish such a school in Kentucky as soon as the condition of the country should permit. An endowment of eight thousand acres of land was given to it and thirteen trustees were appointed. In 1783, the trustees were increased to twenty-five and the endowment of land to twenty thousand acres. The school was to be called Transylvania Seminary, and the trustees were to hold their first meeting at Crow's Station (Danville) the second Monday in November of that same year. The trustees were influential men in the District. The names of those who attended the first meeting have been preserved for us. They are John Craig, Walker Daniel, Willis Green, Christopher Greenup, Robert Johnson, Samuel McDowell, David Rice, James Speed, Isaac Shelby, and Caleb Wallace. The Reverend David Rice was elected chairman of the board. "Father Rice," as he was commonly called, had lately arrived in Kentucky from Virginia. He was the first Presbyterian preacher in the District, an earnest man, and well educated for that day, being a graduate of Nassau Hall, afterward Princeton College.

Transylvania University founded

At this first meeting, the trustees did little but grow

more enthusiastic concerning the advantages of education. Their uncultivated lands gave them no money with which either to buy a schoolhouse or to pay teachers. Two years later, however, the seminary was opened at the home of the chairman, near Danville, and, in 1788, it was removed to Lexington. Before long, theological differences arose in the school, and, in 1796, the Presbyterians withdrew their support and established Kentucky Academy, at Pisgah. But in 1798 all disagreements were adjusted, and the rival institutions were united at Lexington under the name "Transylvania University."

RECAPITULATION

Kentucky's unaided struggle during the Revolution era.
Her important service to the nation.
Treaty of peace, November 30, 1782, proclaimed in Kentucky the following spring.
High class of immigrants.
Pioneers pass away.
New names appear in public affairs.
Kentucky District established, 1783.
Samuel McDowell and George Muter.
Judiciary appointments.
Floyd, Daniel, and May murdered by Indians.
Court opened at Harrodsburg.
Removed to Crow's Station.
Danville founded.
Characteristics of Danville.
Prosperity in the District.
Brodhead's store.
Louisville's flourishing condition
Early merrymakings.
Wilkinson's arrival in Kentucky.
Lexington's substantial position.
John Filson comes to Kentucky.
Filson's first history of the region.
Transylvania Seminary established
Becomes Transylvania University.

CHAPTER VI

BEGINNING OF THE STRUGGLE, 1784-1786

THE security of the Kentuckians was beginning to be disturbed. The country which the Americans wrested from Great Britain consisted of the Atlantic States, extending from Canada to the thirty-first degree of latitude, and Kentucky and the Illinois country, which the pioneers had won. Off in the Northwest, — far away then, but now at the very threshold of that vast region, which has become thickly settled, — at and about Detroit, the British still held the military stations which they had gained from the French. In their treaty of peace with the United States the British had promised to surrender these posts; but, because of certain complications, they now refused to comply with their agreement.

Military posts in the Northwest

When the news of this fact reached Kentucky, great fears of Indian hostilities were felt. We have learned that the Indians had been instigated to attacks upon the Kentuckians by the British. If the British still held stations in America, then the Indians would still be urged to warfare. Virginia was far away from Kentucky — too far to send her assistance in time of trouble. But as Kentucky was not independent, no military expedition could be undertaken beyond the borders of the District unless so ordered by the Virginia

Indian hostilities anticipated

government. The question of asking for separation from Virginia was continually discussed.

Causes of Indian hostilities

The Congress of the Confederation of States did not advise any attempt to exterminate the Indians; but recommended a peaceful course of action toward them. To this end, commissioners were appointed to treat with the various tribes to induce them to recognize the authority of the victorious States. But certain Indians on the east of the Miami River, who had been induced against their will to enter into a treaty, still retained their animosity toward the Kentuckians; and certain others farther to the west, who had never entered into any treaty, were likewise inflamed at the thought of the Americans possessing their lands. Furthermore, lawless men in Kentucky, who believed there could be no good in any Indian and that it was never well to let one live, would sometimes kill those that were harmless. The revengeful savages retaliated by murdering innocent white men.

Meeting of military officers

Information came to Colonel Benjamin Logan that a serious invasion by the Cherokees might be expected. General Clark had been retired. Colonel Logan was now the ranking officer of Kentucky. Accordingly, in November, 1784, he called, at Danville, an informal meeting of the military officers of the District, to consider the manner of resisting the anticipated attack. This meeting agreed that the Kentuckians must passively await the inroads of the savages, as they had no authority among themselves to order an expedition into the Indian country in order to repel the invasion. Therefore it was resolved that it would be wise to call for the election of one delegate from each of the militia companies in the District, who should meet in con-

vention to consider the subject of seeking independence from Virginia.

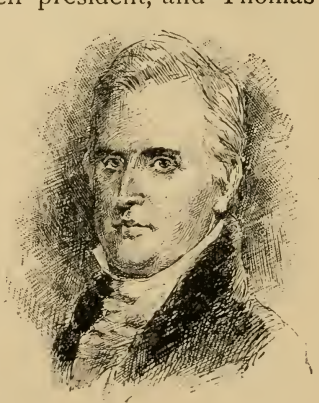
As there was no printing press in Kentucky, a circular address setting forth the facts was many times copied and distributed among the people. We can picture the Kentuckians, chafing under a sense of restraint as they alertly listened for the war whoop of the Indians.

At Danville, on December 27, 1784, the first convention for separation met, and decided by a large majority that the dangers to which the District was subject could be remedied only by its becoming an independent State. But the subject as it presented itself to the people at that time was one of grave importance. It demanded calm, deliberate action. Therefore a second convention was called for May 23, 1785.

First convention for independence

The second convention duly assembled at Danville and elected Judge Samuel McDowell president, and Thomas Todd secretary. The matter was again presented and considered with the most earnest deliberation, and it was again decided that separation was necessary. A petition to the Virginia Assembly was prepared as well as an address to the people of the District. The former was calm, the latter inflaming in tone. It was written by General James Wilkinson; he was not a member of the convention, but his brilliant, florid style had won him the admiration of the Kentuckians. The convention had full power to apply

Second convention for independence



Samuel McDowell

immediately to Virginia for action in the matter; but with surprising caution it forbore to do this, and, in order that the will of the people might be known positively, called for a third convention to ratify what had already been done.

Prudence of the Kentuckians

Kentuckians, when they act individually, are generally impulsive, often hot-tempered and rash in their deeds; when they act in concert, they are deliberate, prudent, and wise in their decisions. They are people of intellect. The individual standing alone acts from emotion before he has had time to think. The individual as a part of a body of men cannot act on his own impulse. Thus opportunity is gained for reason to assert itself and to assume control. This fact should be borne in mind; the truth of it will be proved as we continue.

Third convention

The third convention assembled in August, 1785, and elected the same president and secretary that had served in the former conventions,— Samuel McDowell and Thomas Todd. They were reëlected at each succeeding convention. Wilkinson managed to have himself elected a member, and now began his scheming, dazzling career in Kentucky. The calm petition to the Virginia Assembly was discarded for one he prepared, "which was less a petition than a demand." The chief justice of the District, George Muter, and the attorney-general, Hary Innes, were appointed to present this petition to the Virginia Assembly.

First act of separation

In spite of the tone of the petition, the State of Virginia passed an act setting forth the conditions upon which the separation might take place. They were as follows: Delegates were to be elected to a fourth convention, which should meet in Danville, September, 1786, to determine whether it was the will of the people of the District to be erected into an independent

State. If such were their will, they were to fix upon a date later than September 1, 1787, when the authority of Virginia should forever cease. But this was to take place provided "that prior to the 1st day of June, 1787, the United States in Congress assembled shall consent to the erection of the said District into an independent State, and shall agree that the new State shall be admitted into the Federal Union."

The majority of Kentuckians regarded this act of the Virginia Assembly as reasonable, and submissively bore the delay in the longed-for separation. But there were others who received it with opposition, and in whom it caused the greatest irritation. Of these Wilkinson was the recognized leader. The party he represented was called the Court party, on account of the official position of its members. Wilkinson now offered himself as a candidate for delegate from Fayette County to the fourth convention. Humphrey Marshall, a representative of the opposite faction, which was called the Country party, was the contending candidate.

Court and Country parties

Great excitement prevailed in this county. The elections were not then conducted as rapidly as they are to-day, — they lasted five days. On the first day, Wilkinson was put forward by his friends to speak to the people. He urged them to disregard the act of Virginia and to declare themselves independent at once. Marshall answered him in a sensible, logical speech. Wilkinson's speech was, as usual, showy and oratorical. The election closed, and Wilkinson was found to have obtained the larger number of votes.

The great dreaded Indian invasion did not take place; but serious distress was caused throughout the District by

petty depredations of small parties of Indians. The Kentuckians complained to Virginia, and Virginia petitioned Congress to raise troops to protect this frontier region. But at the time about which we are studying, the Congress of the Confederation of States was not so powerful a body as the Congress of to-day. It could do little more than recommend certain measures to

Self-protection authorized

Indian Depredations.

the different States; it had no ability to cause them to be carried out. However, Congress granted the Kentuckians the privilege of protecting themselves.

In accordance with this permission, early in September, 1786, more than one thousand troops collected at Clarkesville (opposite Louisville), with the intention of attacking the Wabash Indians living in the present State of Indiana. They were organ-

Expeditions of Clark and Logan

ized under General George Rogers Clark. Colonel Benjamin Logan was sent back to Kentucky to raise volunteers for an expedition against the Shawnee Indians living in the present State of Ohio. Logan quickly secured four or five hundred men. With this force he proceeded to the Indian towns on the Mad River, burned them to the ground, and took seventy or eighty prisoners. He returned in twenty days, after a successful expedition. Unfortunately, General Clark's expedition proved fruitless. The provisions were delayed on their way to Vincennes, where his troops were stationed. Insubordination took place. The great general had lost control over the men who served under him, and many of them deserted.

When the time came for the fourth convention to assemble, so many of the delegates were absent with Clark and Logan that a quorum could not be obtained. Those who were at home, however, met every day, and adjourned until the following January, when the necessary number were present. The condition required by the Virginia Assembly for the separation was that prior to the first day of June, 1787, the Congress of the United States should have agreed to admit the new State into the Federal Union. It was now too short a time, in those days of slow travel, for the Kentuckians to take the necessary steps toward this end. Therefore, they

Postponement of separation

John Marshall

petitioned the Virginia Assembly to alter that clause in the act. Their petition was presented by John Marshall (afterward the great chief justice), who strongly urged his request. But the Assembly did not see fit to grant it. Consequently, another act was passed which fixed the time for the separation to take place as January 1, 1789, instead of September 1, 1787.

John Marshall's letter bearing this fact reached Danville while the convention was still assembled. It is needless to describe the disappointment it brought the Kentuckians. Virginia had acted as seemed to her right; but we can well understand how her long postponement of the separation might have appeared to restless men, impatient of delay, like indifference to their sufferings. Throughout the District, there was a growing resentment towards Virginia. This was inflamed by certain ambitious politicians, notably by General Wilkinson. But in spite of the passions of some, reason and dignity controlled the meeting, and it adjourned submissive to the act of Virginia. Another convention had been ordered for the following September.

Result of the disappointment

Shortly after this, another incident occurred which led to further distrust of Virginia's good feeling toward Kentucky: A man was killed by Indians in Lincoln County. Benjamin Logan, the commandant of that county, was absent; but his brother quickly raised a company and pursued the murderers into Tennessee. The Indians were overtaken, several of them were slain, and the horses they had stolen were captured. On pushed the victorious Logan and his men, like heroes of the Round Table, seeking further adventures. They discovered the trail of another band of Indians, came upon them, killed seven, and captured their horses and game.

Virginia misunderstood

Now it happened that these latter were peaceable tribes living under a treaty with the United States. Intense wrath consequently prevailed among the Indians. They complained to the governor of Virginia, and he directed the attorney-general of the District, Hary Innes, to take the necessary steps "to prevent and punish, if possible, all unjust violences." As this very reasonable direction was many times repeated it became exaggerated. Thus it came about that numbers of people in the District honestly believed that Virginia had commanded them not to protect themselves from the barbarities of the Indians. The Kentuckians were now about to enter upon a trial that would reveal their character.

RECAPITULATION

Treaty of peace not fulfilled.
Military posts in the Northwest still held by Great Britain.
Fears of Indian sieges felt in Kentucky.
The Indians are aided by the British.
Kentucky's dependent position.
Separation from Virginia discussed.
Miami and other Indians are hostile.
Lawless Kentuckians cause trouble.
Great Indian invasion dreaded.
Colonel Logan's called meeting of military officers.
They order an election of delegates to a convention.
First convention meets at Danville.
Considers separation from Virginia desirable.
Another convention called.
Second convention considers separation necessary, and prepares a petition to the Virginia Assembly.
Wilkinson prepares the address to the people.
The convention shows rare caution.
Character of Kentuckians.
A third convention held.
Virginia passes the first act for separation.
The act not satisfactory to many Kentuckians.
Court and Country parties.
Wilkinson advocates illegal separation.
Congress allows Kentucky to protect herself from Indian inroads.
Clark's expedition unsuccessful; Logan's successful.
Fourth convention set for September, 1786.
No quorum obtained.
Meets and adjourns every day until January.

Too late then to comply with the conditions of the act.
Virginia petitioned to alter the act.
She refuses, but passes another act.
John Marshall informs the convention of this fact.
Kentuckians grievously disappointed.
Some resent Virginia's course toward Kentucky.
The convention submits.
John Logan's expedition causes trouble.
Virginia forbids all unjust violences towards Indians.
Virginia's action is misunderstood by many.
Her good feeling toward Kentucky is momentarily doubted.

CHAPTER VII

THE SPANISH CONSPIRACY, 1786–1788

THE southern territory of the United States extended to the 31st degree of latitude. Below this line the Spanish still held the dominion they had exercised since the discovery of the continent. In 1513, Ponce de Leon landed on the southeastern coast, and claimed in the name of the Spanish king a region of indefinite extent, to which he gave the name of Florida. Here he planted a short-lived colony, composed of men who had come to drink of the fabulous fountain of immortal youth. Through this region the intrepid and ambitious De Soto had led his deluded followers in their hopeless search for gold, only to find his grave in the Mississippi River. Here the Huguenots had sought refuge from religious persecutions in France, and here Menendez had established the first permanent Spanish colony at St. Augustine, in 1565, years before the English had settled at Jamestown or the Pilgrim Fathers had landed at Plymouth. It was a land of warmth and beauty, of luxuriant vegetation, of stagnating civilization. Soon the vigorous Americans were to drive out their weaker neighbors, but not before the Spanish king had made an adroit effort to hold and increase his dominions in the New World.

Spanish dominions

Spanish possessions lay on both sides of the Mississippi River. The United States demanded the right to

navigate that river. Spain refused to concede this privilege. John Jay, of New York, secretary for foreign affairs, was most anxious to conclude a treaty with Spain. Furthermore, he was ignorant of the great growth of the Western Country, as Kentucky and the neighboring region was then called. In the summer of 1786, he went before Congress and proposed a "project" which he hoped would bring about the desired treaty. It was this: that the United States should agree to forbear to navigate the Mississippi below the southern boundary for twenty or thirty years. To this, the seven northern States voted in the affirmative, the six southern States, in the negative; and Virginia immediately passed resolutions in opposition to the proposition. It required the concurrence of nine States to carry such a motion. Nevertheless, Mr. Jay, acting upon the decision of the majority, made his proposition to Gardoqui, the Spanish minister; but it was rejected with scorn.

Jay's proposition

John Jay

These transactions took place in far-away New York. There were only a few citizens in Kentucky who knew of them shortly after their occurrence. Most of the people were in ignorance of the truth concerning them. The action of Congress was misrepresented. Already Wilkinson had done much to inflame the people against the Federal government. Excitement in the District was rising to a high degree. There was no other way of transportation except by water. Kentucky's present and future prosperity seemed to depend upon her being able to carry her

Kentucky's reception of the action of Congress

products on the Ohio River into the Mississippi, and thus to the markets of the world. It was a subject of vital importance. A meeting of citizens was held at Danville in May, 1787, to discuss the navigation question.

In the early summer, Wilkinson gathered together all the tobacco and other products he could buy, and went to New Orleans, ostensibly on a trading expedition. His real object, however, was to offer his services to Spain in order to restore his now reduced fortune. If he failed in this effort, his intention was to turn to England for the same purpose. At New Orleans, an order was given to seize his cargo; but the cunning general sought an interview with Miro, the Spanish governor of the province. He explained his visit. Then he was treated with the utmost courtesy. He was allowed to sell his goods, for which a high price was paid; and permission was granted to him to ship goods to New Orleans for sale.

The Spanish conspiracy

The evidence goes to prove that then and there Wilkinson sold himself to Spain.[1] He bound himself to use all the influence in his power (and that influence was great) "to obtain the separation of Kentucky from the United States, and then to deliver the District thus separated into the hands of his Majesty the King of Spain, to become a province of that power." All privileges of trade were granted to Wilkinson, in order that he might prove to the people of Kentucky the advantages they would obtain by becoming Spanish subjects. A large sum of money was now advanced to him, and in the following February he returned to Lexington, to display the success of his trading venture, in a carriage drawn by four horses, and accom-

[1] *The Spanish Conspiracy.* By Thomas Marshall Green.

panied by slaves as attendants. He gave brilliant balls, and the young people danced and praised the gallant host;

Wilkinson's Return to Lexington

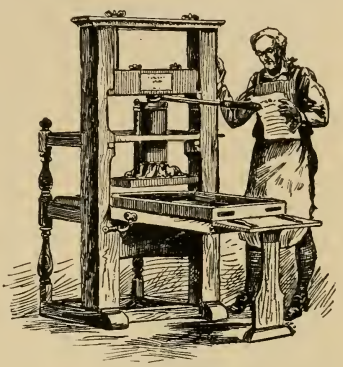
he gave fine dinners, and in the midst of the good cheer and flashing conversation the older men applauded the captivating politician.

In the meantime, a most notable undertaking had been accomplished. On the 18th day of August, 1787, John and Fielding Bradford issued at Lexington the first newspaper published in Kentucky, and the second west of the Alleghanies, to which they gave the name *Kentucke Gazette*. Accustomed as we are to a multiplicity of journals containing a wide range of information, it is hard for us to realize the general satisfaction and rejoicing occasioned by the appearance of this meager, quaint little sheet, still reverently preserved in the public library at Lexington.

The Kentucke Gazette

During Wilkinson's absence, the fifth convention assembled, September 17, 1787. It held a quiet session, and adjourned submissive to the act of Virginia, after having prepared a petition to Congress, in which the 31st of December, 1788, was fixed upon as the time when the authority of Virginia over Kentucky should terminate. The people of the District were now informed of the proceedings of the convention through the columns of the *Gazette*.

The fifth convention



Early Printing Press

John Brown was commissioned to present to Congress Kentucky's application for admission into the Confederation of States, by which name the thirteen original colonies were at first called. John Brown,[1] the son of a Presbyterian clergyman of Augusta County, Virginia, had come to Kentucky in 1783, the year which brought over so many men who acted important parts in the public affairs of the period. He had been a member from the District in the Virginia Senate, and was now going to take his seat in Congress, to which he had just been appointed. Unfortunately, no quorum in Congress was obtained until late in January, 1788. Kentucky's application was not presented until the 29th of February.

John Brown

From the opening of Congress the absorbing interest had been the question of the adoption of the new Federal consti-

[1] *The Political Beginnings of Kentucky*. By John Mason Brown.

tution, which had recently been prepared and offered to the several States to be voted upon. It was a topic of deep importance. If this constitution were adopted, — its supporters wisely foresaw, — a new, strong Union would be established in place of the old, weak Confederation then existing. No attention was paid to Kentucky's application until the end of May. While Congress was slowly considering this all-important matter for Kentucky, news was received that New Hampshire had voted in favor of the constitution. Nine States — enough to cause its adoption — were now secured, and Virginia was soon to add her ratification. Of the Kentucky delegates in the Virginia Assembly only three voted in the affirmative. They were Robert Breckinridge, Rice Bullock, and Humphrey Marshall.

Constitution adopted

In Kentucky the new constitution did not meet with hearty acceptance. This fact was due to a misapprehension of the situation. The people were afraid that if a stronger central government were established, their right to the navigation of the Mississippi would be bartered away in order to secure a treaty with Spain. The different points contained in it were freely discussed, night after night, at the meetings of the Political Club, an organization that was founded in Danville in 1786, and existed until 1790. Many of the prominent citizens of the neighborhood were members of the club, and matters of vital interest to the District were considered by them with an ability that proves the Kentuckians of that time to have been a remarkable people. The minutes of the club, which were carefully preserved by the secretary, Thomas Speed, have recently been published.

The Political Club

[1] *The Political Club.* By Thomas Speed. Filson Club Publication No. 9.

As the new constitution was now adopted, the Congress of the old Confederation, then in session, resolved that it had no authority to act upon the application of Kentucky. It was therefore referred to the consideration of the new government. The resolutions were conveyed to the sixth convention, assembled at Danville, July 28, 1788. About the same time, a letter was received by Judge Samuel McDowell, the president of the convention, from John Brown, the congressman, which contained information concerning the act of Congress, and also an account of an interview Brown had had with Gardoqui, the Spanish minister. In this conversation the Spaniard had "stated that if the people of Kentucky would erect themselves into an independent State and appoint a proper person to negotiate with him, he had authority for that purpose, and would enter into an arrangement with them for the exportation of their produce to New Orleans on terms of mutual advantage."

Application referred to new Congress

It is not surprising that the acts of Congress created the utmost disappointment in Kentucky, after the tedious, now useless efforts which had been made to obtain independence. They did more, — they heightened the resentment of some of the people, and increased their doubt of the good disposition of the central government toward them. The northern States had been indifferent to the welfare of the Western Country, and there were many disinterested though unwise men in Kentucky, who were exasperated at the slow action of Congress in their affairs. Recognizing the necessity of the District's becoming an independent State, and the value of the permission to navigate the Mississippi River, they were willing to resort to revolutionary means in order to obtain these advantages. But there were others who had no

Three classes in Kentucky

thought of the good of the community, and acted solely from selfish interest. Whatever conflicting views may be held regarding the motives of some during this most confusing period, there can be no doubt of the falsity of Wilkinson and Sebastian, — they are self-convicted. There was another class, to whom too much honor cannot be given, — those who in the midst of the excited passions of the time remained loyal to the government of the United States. The two former classes belonged to the Court party; the latter, to the Country party.

Still that controlling spirit of wise moderation (which has been pointed out in the second chapter of this period) held the convention back from any rash act. However, as an outgrowth of the prevailing excitement, it called for the election of delegates to a seventh convention, who should be empowered "to do and accomplish whatever, on a consideration of the state of the District, may in their opinion promote its interest." Now was Wilkinson's opportunity to lead the people to believe that it would "promote their interests" to become Spanish subjects; but like all schemers he worked slyly, never openly.

Temper of the sixth convention

Before the election of delegates to the seventh convention, George Muter, chief justice of the District, published in the *Gazette* an address to the people. He proved that they had no authority to act for themselves independently of Virginia, and that by so doing they would be guilty of treason. He pointed out the evident meaning of the resolution of the late convention. He showed that it clearly gave to the delegates of the next convention power to treat with Spain to obtain the navigation of the Mississippi. He proved that such action would be contrary to the Federal constitution, and he therefore

Judge Muter's address

suggested to the people of Fayette County that they should instruct their next delegates not to agree to frame a constitution and form of government without first obtaining the consent of the Virginia legislature and not to make any application for the navigation of the Mississippi other than to the legislature of Virginia or to the Congress of the United States.

This had the desired effect. The contest in the other counties was quiet; but in Fayette it was attended by great excitement. As usual, the election lasted five days. It became evident that the Country party was going to be completely victorious. The ever adroit Wilkinson, one of the candidates of the Court party, perceived the situation, and promptly announced that he would be guided in voting in the convention by the wishes of his constituents. This promise and his great popularity secured his election, while his associates were defeated. The other four delegates chosen were John Allen, Colonel Joseph Crockett, Colonel Thomas Marshall, and Judge Muter.

The Fayette election

The seventh convention assembled November 4, 1788. The most vital question in the life of Kentucky was about to be decided: whether she should determine to submit to the recent act of Congress and take the necessary legal steps to obtain her separation from Virginia and admittance into the Union, or whether she should determine to separate herself illegally from Virginia and erect herself into an independent State. If the latter course were followed, the Spanish government had a good chance to obtain control of Kentucky.

Seventh convention

The forces in the convention were drawn up against each other. Let it not be supposed, however, that all those who favored violent separation from Virginia knew

of, or sympathized with, Wilkinson's scheme to make Kentucky a Spanish province. At the outset a discussion arose as to the power which the convention possessed. The Court party contended that it had all power necessary to frame a constitution, to declare the District independent, etc. The Country party, on the contrary, strongly opposed every argument of this nature.

Upon the day following this discussion Wilkinson made a speech before the convention. He dwelt feelingly upon the dangers of Indian hostilities, and described brilliantly the advantages of the navigation of the Mississippi River, and pointed out the inability of Congress to obtain for Kentucky this benefit. He openly advocated the violent separation of Kentucky from Virginia; but he only hinted at his real scheme, — to deliver Kentucky when thus separated into the hands of the Spanish government. And all the while he watched the faces of his hearers to see what effect his adroit suggestions would have upon them. If he discovered satisfaction on their countenances, he would go further and declare his plan; if he discovered disapproval, he had not committed himself in words, and he could yet retreat.

Wilkinson's speech

The majority of the convention were not only indisposed to listen to any overtures from Spain, but they were decidedly loyal to the government of the United States, and opposed to an illegal separation from Virginia. Wilkinson misunderstood the Kentuckians. They applauded his showy oratory, but they were independent in action and stanch in principle. They were thoroughly aroused to an appreciation of the dangers which might arise from their dependent position, and of the fatal results of the Mississippi being closed to them. And yet they nobly resisted the temptation of benefits offered to

Loyalty of the convention

them by Spain, and remained loyal to the country for which they had fought, and had been ready to give their lives.

In the revulsion of feeling created by the sentiments thus boldly advocated by Wilkinson a resolution, offered by John Edwards and seconded by Thomas Marshall, was agreed to, which proved to be the turning point in the contest. The resolution provided for the appointment of "a committee to draw up a decent and respectful address to the people of Virginia, for obtaining the independence of the District of Kentucky agreeable to the late resolutions and recommendations of Congress."

Turning point in the contest

But even after this decisive indication of the loyal feeling of the convention had been given, other efforts were made by the opposite faction to carry their object. Before the "decent and respectful" address was accepted, Wilkinson offered a resolution that a committee be appointed to draft an address to the good people of the District urging them to furnish the convention at its next session with instruction how to proceed in this important subject of an independent government.

Further efforts of the Court party

This resolution was adopted, greatly to the fears of the party opposing illegal separation. Whereupon, Colonel Crockett, lately an officer of the Revolution and a stanch adherent of the Union, left the convention and hastened to Fayette County. He returned in two days, having obtained the signatures of several hundred citizens who were opposed to an illegal separation. Wilkinson, who had given his promise to be guided by the will of his constituents, was obliged to submit. Patriotism carried the day. The address to the Virginia

Patriotism triumphs

Assembly was accepted, and the convention adjourned to meet again the following July.

Loyalty characteristic of Kentucky

This was the crisis in the life of Kentucky. It has been dwelt upon thus at length because no other event in her history so clearly reveals the character of the people. Let every one who studies this subject learn that in the midst of high excitement the Kentuckians acted deliberately and soberly; in the midst of strong temptations they acted wisely and patriotically. Let him also learn that in Kentucky every individual has weight. Although Wilkinson did not abandon his scheme to separate Kentucky from the United States, and although his friend, Sebastian, after this received a pension from Spain for his efforts in that work, yet there was no further danger that Kentucky would become disloyal to the Union.

RECAPITULATION

Spanish possessions in America.
Spain desires to hold the region.
Owns both sides of the Mississippi below the 31st degree of latitude.
Refuses navigation to the Americans.
"Jay's project."
Action of Congress on the subject misunderstood.
The navigation necessary to Kentucky's prosperity.
Excitement in the District.
Meeting of citizens at Danville.
Wilkinson goes to New Orleans.
Allies himself with Spain.
Right of trade, etc., granted him.
He returns in state to impress the people.
Kentucke Gazette established.
Fifth convention holds a quiet session.
Fixes the time for separation.
Proceedings published in the *Gazette*.
John Brown, congressman of the District.
He presents Kentucky's petition.
Congress is absorbed in other matters.
Pays no attention to the petition.
New Federal constitution adopted.
The petition is brought before the old Congress.
Is referred to the new Congress.
The sixth convention is informed of this fact.
Brown's letter to McDowell.
Gardoqui's proposition to Kentucky.
Kentucky distracted because of her situation.
Two classes in the Court party.
The Country party loyal.

Wilkinson and Sebastian.
The convention moderate in action.
Dangerous resolutions are adopted.
Muter's card points out the meaning of the resolutions.
Effect upon the election in Fayette County.
Wilkinson's promise and election.
The vital question before the seventh convention.
Illegal separation advocated.
Wilkinson's adroit speech.
Convention opposed to his suggestions.
Contrary resolutions carried.
Wilkinson's further effort.
Crockett's petition from Fayette County.
Wilkinson obliged to submit.
Victory of the loyal party.
Kentucky's sober conduct.
The people control.

CHAPTER VIII

THE END OF THE STRUGGLE, 1788–1792

STILL the struggle for statehood was not ended. Nowhere was there any official opposition to Kentucky's becoming an independent member of the Union, neither within the District, in the Virginia Assembly, nor in the Congress of the United States. And yet, by some strange enchantment, it seemed impossible to accomplish the desired end. The fruitless conventions have been compared to "the card edifices of children which are no sooner erected than, at a breath, they are destroyed."

Statehood not yet attained

No parallel occurs in history of such exasperating, needless delay in a worthy cause. The annals of history may be searched in vain, also, to find a parallel to the patience with which the high-spirited Kentuckians bore these trials, and to the loyalty which they cherished toward the government of their country. Kentucky's situation was isolated; but the deep excitement which prevailed in the District concerning the separation and the navigation of the Mississippi was known abroad.

In the autumn of 1788, Dr. John Connolly appeared in Kentucky. He was the same Connolly for whom, in 1773, lands had been surveyed at the Falls of the Ohio, where the city of Louisville now stands. He announced that he came to look after these lands, of which he had been deprived because he was a Tory. But in reality he was a British agent. His mission was to induce

British intrigue

Kentucky to withdraw from the Union and to throw herself upon the protection of Great Britain, who would assist her with troops, ammunition, etc., to take possession of New Orleans, and thus to force the navigation of the Mississippi from Spain by arms.

The fertile Kentucky country and the vast West connected with it were objects of desire to foreign kingdoms. Already it had been known to the people of the District that Great Britain stood ready with open arms to receive them. Connolly visited many prominent men in Louisville, and then went to Fayette County, where he held an interview with Colonel Thomas Marshall, a few days after the exciting seventh convention (November, 1788). But Marshall was strongly attached to the Federal government and a friend of Washington, the President elect of the United States. Dr. Connolly met with no encouragement, and the British intrigue came to an end.

Still other acts were to be passed by the Virginia legislature, and further conventions held in Kentucky, before the weary work of separation was over. The eighth convention, which assembled July 20, 1789, objected to certain points in the third act of Virginia. A fourth act was then passed. To this, the ninth convention, assembled July 26, 1790, agreed, and fixed the 1st day of June, 1792, as the date when the separation should take place. This convention called for the election of delegates to a tenth convention.

Other conventions

Other acts regarding Kentucky were also passed by the Virginia legislature about this time. One sixth part of the surveyors' fees, formerly paid to William and Mary College (Virginia), were ordered to be paid to Transylvania Seminary. Also the county of Woodford was established, the last of the nine

Other acts of the Virginia Assembly

formed while Kentucky was a District. They were in order: Fayette, Jefferson, Lincoln, Nelson, Bourbon, Mercer, Madison, Mason, and Woodford.

The last towns established during the colonial period were Bardstown and Hopewell. The latter was settled as Houston's Station, in 1776. In 1790, the name was changed to Paris. To-day it is the thriving center of the wealthy county of Bourbon. Many prominent men lived in and about Bardstown in the early times. There, in the cemetery, is the grave of poor John Fitch (bearing the date of his death, 1798), whose name is so pathetically connected with the invention of the steamboat. The town and surrounding neighborhood were settled largely by Maryland Catholics at the close of the Revolution. They were people of culture, and they have held the region to the present day, planting in it their institutions of learning and religion. Thither fled Trappist monks from France, who founded the "Home of the Silent Brotherhood." Near by the pious Sisters of Loretto dwell in their convent of the Stricken Heart.

Early religious denominations

The Presbyterians in Kentucky have already been dwelt upon. The Baptists entered Kentucky in the very beginning of its settlement. The Rev. William Hickman preached here as early as 1776; but it was not until 1781 that there existed an organized church. In September of that year, the Rev. Lewis Craig, and most of his congregation, left Spottsylvania County, Virginia, for Kentucky.[1] As they traveled, they stopped occasionally on the way to hold regular services. Thus they entered the District as an organized church.

[1] Other immigrants had attached themselves to the expedition. There were in all between five and six hundred. *The Traveling Church*, by George W. Ranck.

The next in point of time were the Methodists, whose evangelistic spirit early led them forth to preach the Gospel in the new country. The Episcopalians had no church until many years after the District had become a State. That large and ever increasing denomination known under the broad appellation the Christian church had not yet taken its rise.

Again the depressing account of Indian depredations must be continued. The people of the District had left the protection of the forts, and were now living in separated homes. The Indians no longer came in large numbers, but small parties would fall upon and murder single individuals, or several traveling together. Men hunting game for their families were attacked. Men and women calmly going to church were killed or captured. Tragedies upon the Ohio River were especially frequent. Boats bearing travelers from, or settlers into, the District were seized, and the occupants were subjected to the most cruel tortures. Far and wide rang the cry of these distressing facts. Complaints were made to the President of the United States and to the secretary of war. In answer, the President assured the people that measures for their protection would be taken; and the secretary of war

Indian depredations

Captured on the Way to Church

authorized the county lieutenants to call out scouts to guard the frontier.

Kentucky Captives

At last the government of the United States had learned that treaties with Indians were of no avail, and that the only way to subdue them was to carry war home to them in their own country. General Harmar was now placed at the head of three hundred and

twenty regulars of the United States army. Soon a force amounting to more than eleven hundred volunteers was collected in Kentucky, under Colonel John Hardin. These troops assembled at Fort Washington (where Cincinnati now stands), September 30, 1790, and marched to the towns of the Miami Indians. Harmar had been an officer in the Revolution; but he seems to have lost his military ability upon this expedition. He might have overawed and conquered the Indians by meeting them with his whole body of troops. But instead of doing this, twice he sent out small detachments, each time under the command of Colonel Hardin, and each time these were surprised and almost completely destroyed; while not far away, the larger portion of the army remained calmly in camp. Harmar's defeat lost him his reputation, and made the Indians exultant and consequently more murderous toward the Kentuckians.

Harmar's defeat

Between the years 1783 and 1790, about fifteen hundred persons had been killed or taken captive within the District, or on their way to it. Further efforts were made to stop such tragedies. A local Board of War was appointed by Congress, which should have charge of the protection of the District. The men chosen for this position of trust were Colonel Isaac Shelby, the man who had turned the tide at Point Pleasant, and who had planned the scheme of attack which led to the decisive victory at King's Mountain; General Charles Scott, also a tried officer of the Revolution; Hary Innes, formerly attorney-general of the District, now judge of the Federal court; Congressman John Brown; and Benjamin Logan, well known to us as a pioneer.

Local Board of War

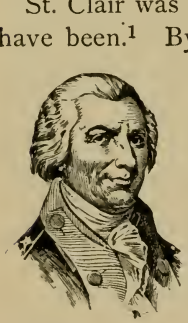
About this time General Arthur St. Clair, then governor of the Northwestern Territory, was appointed commander

in chief of the army of the Northwest. Another expedition against the Miami Indians was planned. As a preparation for this serious undertaking two small, but successful, expeditions against the Wabash Indians were arranged by the local Board of War, — the first under General Charles Scott, the second led by Colonel James Wilkinson. Their object was to subdue these Indians, so that they would not aid the Miami tribes. General St. Clair's appointment was not agreeable to the Kentuckians. While he was an honorable man and a brave officer, he was old and infirm, and altogether unfitted for the projected campaign against the most formidable of Indian confederations. No volunteers offered in Kentucky. Therefore, one thousand unwilling men were drafted and placed under the command of Colonel William Oldham. Many of these deserted before reaching their destination.

St. Clair's appointment

St. Clair was not aided by the government as he might have been.[1] By the day of the battle not more than fourteen hundred men remained in his army. Of these only a small portion were regulars. The rest were dissatisfied, undisciplined troops, with whom a very capable leader would have found victory difficult. With St. Clair defeat was inevitable. On the 3d of November, 1791, the army was encamped on the eastern fork of the Wabash River. During the afternoon and evening, Indians were discovered in the vicinity, and were frequently shot at by the sentinels. St. Clair had been

St. Clair's defeat



Arthur St. Clair

[1] *St. Clair's Defeat.* By Hon. Theodore Roosevelt. Harper's Magazine, February, 1896.

expressly warned by Washington against a surprise, and yet he made no preparation for an attack. Consequently, just after sunrise, the next morning, when the Indians opened fire upon the army, there was the old story of a surprise, with all the panic and slaughter which usually follow. St. Clair and General Richard Butler, the second in command, courageously tried to rally their men, but in vain. The Indians were so hidden by the smoke of the artillery of the whites that they could not be seen. They seemed suddenly to spring out of the earth to shoot down the foe, and then to disappear. Most of the officers (among them, General Butler) were killed, and about two thirds of the army. Then only one thought inspired the rest, — every man made a mad rush to save his own life, and the Indians followed in close pursuit.

Constitutional convention

The previous February, the Congress of the United States had agreed to admit Kentucky into the Union as an independent State, June 1, 1792. Accordingly, April 3, 1792, the tenth and last convention assembled at Danville, as usual, to form a constitution for the new Commonwealth. The convention was composed of five delegates from each of the nine counties then existing. The majority of them were very able men; many of them had served repeatedly in former conventions. The constitution was modeled after the recently launched Federal constitution.

Features of the constitution

The government was organized under three heads, — legislative, executive, and judicial. The legislative power was vested in a General Assembly, consisting of a Senate and a House of Representatives. The senators were chosen for four years by a college of electors. The representatives were chosen for one year, and were elected by the people. The executive

power was vested in a governor, who was likewise chosen for four years by the college of electors. The judicial power was vested in a supreme court and inferior courts, which the legislature might from time to time establish. The judges of the supreme court and of the inferior courts were nominated with the consent of the Senate, were appointed by the governor, and held office during good behavior. Elections were made by ballot, and the right of suffrage was granted to every free male white inhabitant of the State, of the proper age, who had not been disfranchised by conviction of crime. Ministers were not allowed to hold any legislative office. No point in the document is more worthy of note than the fact that commerce in slaves was prohibited. While the provision was made that the legislature could not emancipate slaves without the consent of their owners, yet the power was given to that body to force the owners of slaves to provide properly for them, and to treat them with humanity.

"Immediately after the adoption of the constitution, Colonel Isaac Shelby was elected governor. In him the State secured an admirable chief magistrate. The people could not have chosen better. He was a Marylander, who became, in his early manhood, a citizen of what is now Tennessee (then a part of North Carolina). He did brilliant service in the battle of Point Pleasant, in October, 1774. Afterwards, in North Carolina, he played a most gallant part in small expeditions, but especially in remedying the ruin that the

Isaac Shelby, the first governor

Isaac Shelby

defeat of Gates at Camden brought upon the continental cause. When others were appalled by the magnitude of this disaster, Shelby seemed to awake to a full sense of his really great military power. He saved a little army he then commanded, and secured a large number of prisoners in his hands by a swift march to the west into the recesses of the Blue Ridge Mountains. Then, when he had disposed of his captives, he turned upon the famous

Battle of King's Mountain

Ferguson, and by the well-conceived and admirably executed move on King's Mountain, destroyed the force of that able commander at a single blow. Although Shelby was not in name the chief in this action, there is no reason to doubt that the conception of the campaign and the vigor of its execution were his alone. His also was the scheme of attack which led to the battle of Cowpens. He went to Kentucky in 1783, where he married and re-

mained, taking part in the early struggles for emancipation from Virginia's control. As brave in action as he was wise in council, his choice as the first governor was an honor and a blessing to the young Commonwealth." [1]

RECAPITULATION

Statehood not yet attained.
The fact known abroad.
A British agent sent to Kentucky.
The bribe ready for Kentucky.
The intrigue disclosed to Colonel Thomas Marshall.
The end of the intrigue.
Eighth convention rejects the third act of Virginia.
Ninth convention agrees to the fourth act.
Date for separation fixed.
Tenth convention called.
The counties of the colonial era.
Hopewell established.
Bardstown established.
Roman Catholic occupation.
Baptists in Kentucky.
"The Traveling Church."
The Methodists.
Other denominations.
Troubles from Indians again.
Treaties with Indians of no avail.
An expedition against the Miamis planned.
Force sent from Kentucky.
Harmar's defeat.
Indians more belligerent than ever.
Local Board of War appointed.
St. Clair's appointment.
Dissatisfaction of Kentuckians.
Kentucky troops are drafted.
Expedition against the Miami Indians.
St. Clair's overwhelming defeat.
Kentucky admitted into the Union.
Tenth convention.
State constitution framed.
Resembles the Federal constitution.
Legislative, executive, and judicial powers.
Commerce in slaves prohibited.
Isaac Shelby chosen governor.
His military and civil services and fitness for the position.

[1] The above quotation is taken from Professor Shaler's scholarly study *Kentucky* in the American Commonwealth Series.

III — FOUNDING OF THE COMMONWEALTH, 1792-1850

CHAPTER IX

ORGANIZATION OF THE GOVERNMENT, 1792-1796

THE years of weary waiting were over at last, and the government of the new Commonwealth was about to be organized. On the morning of the 4th of June, 1792, the town of Lexington — appointed to be the first capital of the State — was stirred with eager anticipation. The day before, Isaac Shelby had left his country place in Lincoln County and started on his journey to assume the duties of governor. At Danville the citizens poured forth to offer their congratulations in an address which had been prepared for the occasion. On the way, Shelby was met by a company of volunteer troops, which had been sent out from Lexington to conduct him into the capital. From various parts of the State, strangers had come to witness the ceremonies of the inauguration. The people were all in the streets, arrayed in their best attire. There was a generous mingling of broadcloth costumes and buckskin, of imported silk and homespun gowns.

Lexington the first capital

As the procession neared the town, loud cheers arose, which were somewhat drowned by the firing of a cannon, the cracking of rifles, and the beating of drums. At the corner of Main Street and Broadway the governor was received with military honors by the Lex-

The inauguration

Shelby's Inauguration

ington Light Infantry. There he alighted from his horse to receive the address of welcome which was presented to him by the chairman of the town Board of Trustees, John Bradford, otherwise "Old Wisdom," who has already been introduced to us as editor of the *Kentucke Gazette*. Courtly formality and homely simplicity met in the un-

paved public square. The oath of office was administered to the governor. Then, with the same stateliness and military parade that had characterized the entire proceeding, he was escorted to his chambers to rest at the Sheaf of Wheat inn, while the enthusiasm of the citizens continued and the bells of the town broke forth in joyous acclamation.

Later in the day, the governor sent his reply to the address of welcome and, at the same time, announced his appointments for secretary of state and attorney-general. James Brown, selected for the former office, afterwards served repeatedly in the United States Senate and ably filled the high position of minister to France. George Nicholas, appointed to the latter office, was one of the brilliant Virginians who had sought Kentucky at the close of the Revolution. He was a truly great lawyer. His career here was as successful as it was short. He settled near Danville in 1788, and died in Lexington in 1799.

State appointments

The legislature assembled and chose the speakers of the two houses, — Alexander Scott Bullitt, for the Senate, and Robert Breckinridge, for the House of Representatives. On the sixth day, the governor met the legislature in person, after the ancient custom of English kings which had been followed by the colonial governors. He appeared at the door of the Senate chamber of the first log statehouse, attended by his secretary of state. The speaker of the Senate advanced to meet him to conduct him to his seat. After a moment of solemn silence, he arose, read an address to the two Houses, and presented a manuscript copy to each of the speakers, and then retired in an impressive manner. The speaker of the House of Representatives and the members thereof likewise retired to transact business in

Legislature assembles

their own hall. The legislature elected two United States senators, — John Brown, who had already represented Kentucky in the old Congress, and John Edwards. The House of Representatives elected five commissioners to fix upon a permanent seat of government.

Hary Innes

The court of appeals consisted of three judges. The persons appointed by the governor for this dignified position were Caleb Wallace, another able Virginia lawyer who had risen to high standing in Kentucky; Benjamin Sebastian, the same who had entered into the Spanish conspiracy, but whose treason was not then suspected; and Hary Innes, who was selected to be chief justice. Innes declined, however, in order to receive the office of United States district judge, and George Muter was appointed in his stead.

Judges appointed

On the 22d of December, 1792, the second session of the first Kentucky legislature adjourned, to hold no more meetings in Lexington. The commissioners had selected Frankfort as the permanent capital of the State. Nestled in the midst of hills, on the banks of the Kentucky River, Frankfort had certainly the advantage of a picturesque situation. A

Frankfort the permanent capital of the State

private dwelling was employed as a temporary statehouse while a permanent stone building was being erected. This was occupied November 3, 1794. A governor's mansion was likewise built.

The Indians were not yet subdued and still continued to harass the Kentuckians. Major John Adair, with about one hundred Kentucky militia, after a gallant fight at Fort St. Clair, in Ohio, was defeated by a large body of Indians under Little Turtle. Colonel John Hardin and Major Truman were sent by General James Wilkinson on a mission to the Indians in northwest Ohio, and both were murdered. Boats were continually waylaid, and isolated frontier stations were attacked. Military affairs

After his disastrous defeat, General St. Clair retired from the command of the armies of the Northwest, and General Wayne, known as "Mad Anthony," was appointed to that position. General Wayne called upon Kentucky for volunteers; but the Kentuckians had lost confidence in regular troops, because of the defeats of Harmar and St. Clair, and none offered. Governor Shelby ordered a draft, and in this way one thousand mounted militiamen were raised and placed under General Charles Scott's command. They joined General Wayne, October 24, 1793, at his headquarters, about eighty miles north of Cincinnati. Because of the approach of winter, however, the commander in chief decided not to prosecute the proposed campaign at that time. Fort Greenville was built, and the regular troops went into winter quarters, while the Kentucky militia were dismissed. One benefit had been

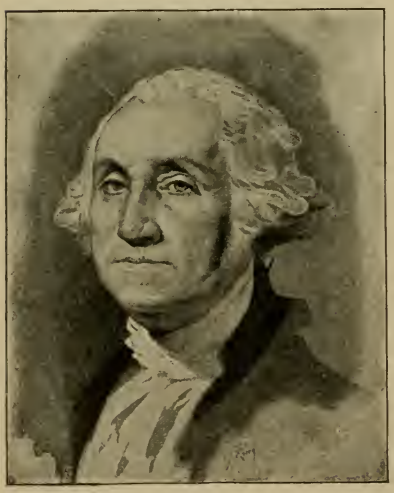
Anthony Wayne

obtained: General Wayne's military ability had inspired the Kentuckians with confidence.

Political affairs

Two issues ran side by side in the State and divided the thoughts of the people: the cessation of their Indian troubles, and the navigation of the Mississippi River. For years there had been many politicians in Kentucky who believed that these benefits might have been obtained for them, if Congress had not been indifferent to their welfare. Great animosity was felt toward England, which still held the military posts in the Northwest, and toward Spain, which had closed to them the Mississippi.

In 1793, news reached Kentucky that France had declared war against England, Spain, and Holland. The further fact was made known that the President had refused to enter into an alliance with France. Washington knew that war at this time would be disastrous to the United States. He stood firm on this point through that marvelous, calm foresight which controlled all his actions. But the majority of the people of the United States sympathized with France, who had so recently aided them in their conflict with Great Britain. Nowhere was this attachment more ardent than in Ken-



George Washington

tucky. Nevertheless, as is invariably the case, there was a division of sentiment.

Those who adhered to the policy of the government of the United States were called Federalists; those who were opposed to it were called either Anti-Federalists, or Republicans, and later, Democrats. At Lexington there was organized a Democratic Club, — an outgrowth of the one already established at Philadelphia, which was modeled on the Jacobin clubs of France. Others sprang up at Georgetown and Paris. In Kentucky the horrors of the French Revolution were still unknown. It represented only an inspiring movement toward liberty. The tone of the Lexington society is indicated by the following resolution: "That the right of the people on the waters of the Mississippi, to its navigation, is undoubted, and ought to be peremptorily demanded of Spain by the United States government."

Federalists and Anti-Federalists

John Breckinridge was its first president. He was a young lawyer, who had recently come to Kentucky from Virginia. His clear mind and eloquent oratory had brought him recognition in his native State. In Kentucky he took an active part in political affairs. He died in 1806, having held for one year the office of attorney-general in Jefferson's cabinet.

John Breckinridge

Citizen Genet, minister of France, had recently landed at Charleston, South Carolina, for the purpose of enlisting aid for his country in the impending war. Immediately he saw the situation in Kentucky, and sent thither several agents to raise volunteers for an expedition against New Orleans and the Spanish possessions. So intense was the feeling in Kentucky on the navigation question, that the Frenchman succeeded in enlisting two thousand men for this conspiracy. George

French conspiracy

Rogers Clark accepted the commission of "major general in the armies of France and commander in chief of the revolutionary legions on the Mississippi."

The proposed conspiracy became known to the Federal government. Letters passed between Washington and Shelby on the subject. It was a time of trial to the governor, but his conduct was marked with caution and wisdom. As governor of Kentucky he stood ready to perform whatever was constitutionally required of him; but he believed that this matter concerned the Federal government, and not that of the State. He did not believe he had the power to forbid the expedition if it could be accomplished. Moreover, he did not believe that it would be carried out. But the matter offered him a fitting opportunity to make known to the President the intense feeling of the Anti-Federalists in Kentucky against the central government, which had not obtained for the State the navigation of the Mississippi. Happily the expedition was not accomplished. Washington succeeded in having Genet recalled, and another minister was appointed in his stead.

Governor Shelby's position

The campaign against the Indians in the Northwest, projected by General Wayne in the autumn of 1793, was carried into effect the following summer. In July, General Charles Scott, with sixteen hundred Kentucky volunteers, joined General Wayne at Fort Recovery. The regular force under General Wayne was about equal in numbers to the Kentucky militia. On the 20th of August, 1794, a battle was fought at Fallen Timbers, on the Maumee, which resulted in a brilliant victory for the Americans. An equally beneficial event followed close upon Wayne's conquest. In November, Chief Justice John Jay succeeded in concluding a treaty

Wayne's victory

between the United States and Great Britain. Consequently the British posts in the Northwest were at last surrendered.

It was some time before this last fact was known in Kentucky. Prior to that time, in the year 1795, the Spanish governor of Louisiana again attempted to bribe Kentucky to secede from the Union, and to form an alliance with Spain, in order to obtain the navigation of the Mississippi. Thomas Power, a naturalized Spaniard, was sent to Kentucky to secure agents to accomplish this end. The man selected to receive Power's communication was Judge Benjamin Sebastian, one of the accomplices in the first Spanish conspiracy.

Second Spanish conspiracy

Sebastian conferred with several prominent Kentuckians. He then proceeded to Natchez, and on to New Orleans, to negotiate with the authorities there. However, before any agreement had been reached between the Kentuckian and the Spanish governor, news came that a treaty between the United States and Spain had been effected, and that Spain had granted to the United States the free navigation of the Mississippi River. Nevertheless, the Spanish governor was not willing to renounce, at once, all hope of ever gaining Kentucky. Sebastian was paid two thousand dollars for his efforts in this dishonorable work, and continued to receive that amount annually for eleven years. Sebastian's treason was unknown to his fellow-Kentuckians, with probably two or three exceptions. He continued to hold his office of judge of the court of appeals until 1806, at which time he was exposed and compelled to resign.

We have learned that the opposition of the Kentuckians to the Federal government had its origin in their own

trials; for a large majority of the people believed that the central government might have put an end to these if it had attempted to do so. But there were also clauses in the constitution of the United States to which they were directly opposed. Many objected to the policy of the Federalists (by whom the constitution was framed) because they believed it tended toward a monarchical rather than a republican form of government. We have noticed Kentucky's isolated situation and her long, single-handed struggle for existence. Naturally her people were watchful for their State's rights and liberties. But we have learned, also, that in the times of greatest temptation her people stood true to the Union. This fact indicates loyalty and sagacity and calls forth the highest admiration.

Summary

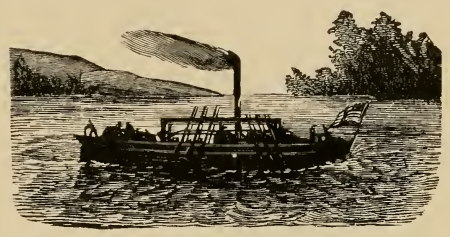
Now the Indian troubles were at an end, and the Mississippi was open to Kentucky. Added to this, the feeling on the French question had changed. Genet's illegal actions in the United States had awakened disapproval. A fuller knowledge of the French Revolution had produced a natural revulsion of feeling. Consequently, the Federal party in the State rose into temporary power. In 1795 Humphrey Marshall, the pronounced leader of the Federal side, was elected United States senator over John Breckinridge, the popular representative of the Republicans. During this same year, however, the governor appointed Breckinridge attorney-general of the State.

Temporary change of sentiment

In the year 1793, the first steamboat which ever successfully moved on any waters was exhibited at Lexington. The town branch of the Elkhorn — now disappeared from sight, but then a considerable stream — was dammed up for the trial of the miniature

Invention of the steamboat

model which had been constructed, and crowds of enthusiastic spectators rejoiced over the success of this important invention. The inventor was Edward West, who emigrated from Virginia to Lexington in 1785, where he died in 1827, after a long life spent in experimenting in inventions. The honor of having invented the steamboat belongs, however, to John Fitch, — before referred to in these pages, — who, as early as 1785, completed his model. But unfortunately Fitch's invention failed of success, either because he lacked the necessary funds or the adequate force of character to bring it to the knowledge of the people.



Fitch's Steamboat

RECAPITULATION

Lexington the first capital.
Governor Shelby inaugurated.
Military honors and picturesque parade.
Two appointments announced.
Legislature assembles; speakers chosen.
The governor opens the legislature.
Stately proceedings.
United States senators elected.
Judges appointed.
Frankfort selected as the permanent capital.
Public buildings erected there.
Indian troubles again.
General Wayne's appointment.
One thousand Kentuckians drafted.
Campaign postponed.
The French war.
England, Spain, and Holland involved.
Washington refuses to take part.
United States divided on the subject.
Kentucky is indignant.
She dislikes England and Spain.
Desires to aid France.
Federalists and Anti-Federalists.
Democratic clubs.
The Lexington club.
John Breckinridge its president.
The French conspiracy.
General Clark's commission.

Governor Shelby's cautious action.
Failure of the conspiracy.
Wayne's victory.
British posts resigned.
Second Spanish conspiracy.
Sebastian's treason.
Treaty with Spain concluded.
Kentucky generally Anti-Federal.
Opposed to a strong central government.
Momentary change of sentiment after the Indian troubles are ended and the navigation granted.
Federal party rises into power.
Humphrey Marshall elected United States senator.
Edward West at Lexington.
Models a steamboat in 1793.
Successful trial on Elkhorn Creek.
Fitch's invention unsuccessful.

CHAPTER X

POLITICAL SITUATION IN KENTUCKY, 1796-1811

In May, 1796, James Garrard was elected second governor of Kentucky. The first year of his administration was marked by few events of importance. The following spring, the advisability of revising the State constitution was discussed, and a vote was taken to obtain the will of the people. But no decision was reached in the matter, as a number of the counties failed to make returns. A second vote was taken on the same subject in 1798, and met with a similar result. In the autumn of that year, the question was brought before the legislature, and as a majority of the members voted in favor of revision, a convention was called for July 22, 1799.

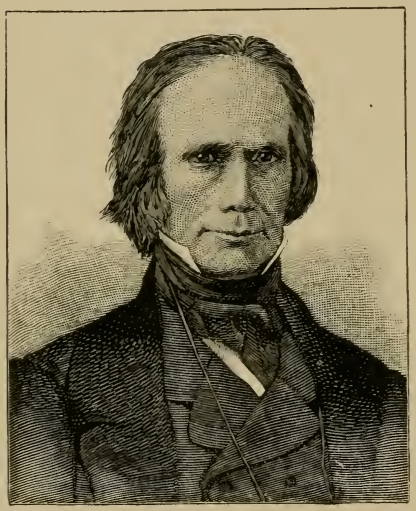
Garrard's administration

During the summer of 1797, Thomas Power was again sent to Kentucky to concert with Benjamin Sebastian regarding the separation of the State from the Union. But this third Spanish conspiracy failed in its very beginning. The November session of the legislature revised the criminal code, and punishment by death was allowed only for murder in the first degree.

The interval of quiet which Kentucky had been enjoying was destined to be interrupted by a profound agitation. In the spring session of 1798, the Congress of the United States passed two acts known in the political history of the nation as the Alien and Sedition laws. The particularly objectionable

Alien and Sedition laws

features in these acts were the following: The first act gave to the President authority over all foreigners. He might grant them license to remain in the United States; he might order them to depart from its territory if he suspected them of treasonable designs; he might imprison, according to his judgment, all foreigners who returned to the United States without having obtained his permission.



Henry Clay

The second act was an attempt to control the people in the free expression of opinion. By this law it became an offense, subject to fine or imprisonment, for any one to utter, print, or publish any libel against the government of the United States, the President, or either House of Congress.

The Kentuckians were aroused, almost to a man. There was no wavering in their judgment of these obnoxious laws. They deemed them directly unconstitutional. In their opinion they indicated an assumption, on the part of the Federal government, of an authority which did not belong to it. The first to issue a protest against them were the citizens of Clark County. They embodied their opposition in a vigorous set of resolutions, which were transmitted to their representative in Congress to be pre-

Kentucky's action

sented by him to each branch of that body and to the President. In the crowd which gathered at Lexington to discuss the subject was young Henry Clay, — twenty-one years old, — who had come from Virginia the year before to make his home in Kentucky. He had already made himself known in the State by advocating the gradual emancipation of slavery. The people called upon him to speak to them. The subject was one to stir the unfledged genius of the orator. He was lifted into a cart, from which "proud eminence" he poured forth such denunciations of the act of Congress as won the admiration and satisfaction of his high-wrought audience.

But the most bold, far-reaching, effective summary of political doctrine called forth by these laws was that contained in the resolutions known as the Kentucky Resolutions of 1798.[1] The resolutions were drafted by Thomas Jefferson, and revised and offered to the legislature, on November 8, by John Breckinridge, the representative of Fayette County in the State legislature and a leader in the Republican party. These resolutions had perhaps a deeper import than the mere expression of righteous indignation against the passage by Congress of two odious acts that were destined to exist only for a brief term. In them we find the germ of the doctrine of nullification which became an important factor in the causes which led to the Civil War.

Kentucky Resolutions of 1798

This doctrine is briefly as follows: That the several States composing the United States of America are not united in submission to their general government; that the general government was created by a compact of the several States, each State agreeing thereto, and yet reserving to itself the right to

Doctrine of State rights

[1] *Kentucky Resolutions of 1798.* By Ethelbert Dudley Warfield.

its own self-government; that the government created by this compact is not made the final judge of the powers delegated to it; that as each State is a party to the compact, therefore each State "has an equal right to judge for itself as well of infractions as of the mode and measure of redress."

Resolutions accepted by the legislature

The resolutions thus presented to the legislature in an ardent speech by their mover, passed the Lower House with one dissenting voice. William Murray, a clever lawyer, made an earnest protest against them. In the Senate, John Pope made an unsuccessful effort to amend them, and they were unanimously accepted. At the time of their adoption the possible tendency of the resolutions was not considered. They were framed to meet a need of the hour. The Federal government had assumed an authority, the Kentuckians believed, which was unconstitutional. Therefore, the Federal government must be censured, else it might encroach and assume greater power, and then become monarchical, instead of Democratic. Kentucky was passionately Democratic or Republican. The resolutions were signed by the governor, and then submitted to the other States to be considered. Only Virginia, however, concurred with the action of Kentucky.

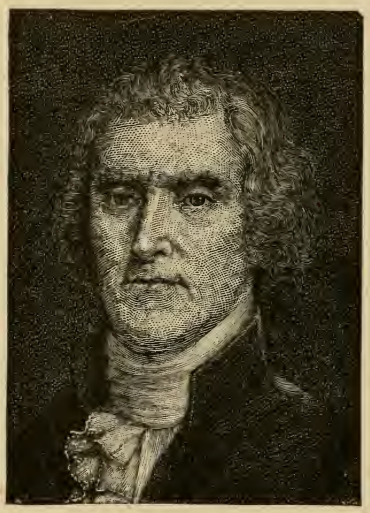
Second constitutional convention

The convention to revise the State constitution assembled July 22, 1799, at Frankfort, and chose Alexander Scott Bullitt president, and Thomas Todd — who so many times before had served in this capacity — clerk. The outburst of feeling awakened by the mere suspicion of a monarchical inclination in the central government largely influenced the changes which were made in the constitution. The governor was no longer to be elected by a college of electors, but directly

by the votes of the people. Furthermore, his authority was limited. His veto might be overruled by a majority of the legislature. The office of lieutenant governor was created. This officer, similarly elected by the people, should be the speaker of the Senate. The senators, likewise, were to be elected by the direct votes of the people.

The new constitution went into effect June 1, 1800. James Garrard had again been chosen governor, and Alexander Scott Bullitt was elected lieutenant governor. John Breckinridge was chosen speaker of the House. There was the utmost quiet in local elections. Kentucky's whole political interest was now absorbed in the affairs of the nation,—the forthcoming contest between the Federalist and Democratic parties. When Thomas Jefferson, the Democratic nominee, was declared President, the satisfaction in the State was almost universal. It expressed itself in exuberant speeches of delight. Of course, the hated Alien and Sedition laws were then repealed.

Local politics



Thomas Jefferson

But the most important event to Kentucky in Jefferson's administration was the purchase of Louisiana from the French, to whom it had been ceded by Spain. General James Wilkinson, whose character has only been

understood in recent years, was then holding the rank of major general in the United States Army. It is an entertaining and curious fact that on the 20th of December, 1803, the French governor general delivered up the territory to that officer. Thus at last the projector of the Spanish Conspiracy took possession of New Orleans; but in a manner totally different from what he had imagined, — under the honorable authority of his national government.

But Wilkinson is often accused of complicity in another equally romantic and treasonable conspiracy, and in this, too, the bold, adventure-loving Kentuckians were tempted to disloyalty. Aaron Burr, late Vice President of the United States, — now bearing upon his soul the crime of having taken the life of Alexander Hamilton, — being cut off from all high official attainment, restlessly sought a means to gratify his proud ambition. Burr's dazzling scheme was to conquer the Spanish province of Mexico, then friendly to the United States, to unite to it the southwestern States, to make New Orleans the capital of this vast territory, and himself the emperor or ruler. Wilkinson, according to his accusers, was to be second only to Burr.

Aaron Burr's conspiracy

Aaron Burr

Blennerhasset, a wealthy Irish scholar, living on a beautiful island in the Ohio River, had become fascinated by Burr's allurements to the extent of employing his vast fortune for the cause, and he was to be a powerful duke or chief minister of the empire. The coöperating Kentuckians were likewise to reap the reward of their assistance. To arrange his project, Burr made frequent

trips to Lexington and Louisville, and through the southern cities.

Joseph Hamilton Daveiss, United States attorney for Kentucky, first became suspicious of Burr's movements, then convinced of his treacherous designs. On November 3, 1806, he appeared in the court at Frankfort and brought an indictment against Burr for high treason. Burr met the charge with cool denial. Several days later, with a semblance of sincerity, he urged the court to continue the prosecution. A day was set for the trial. After giving a written pledge of his innocence, Burr secured Henry Clay and John Allen for his counsel. Intense popular interest was aroused.

Burr indicted

Joseph Hamilton Daveiss

The prosecution seemed to take on the form of a persecution, because of the ardent political feeling of the time. Burr had won many friends in Kentucky. Daveiss was a stanch adherent of the despised Federalist party. Henry Clay had thrown the weight of his influence into Burr's faction. The trial did not come off because of the failure, on the part of the United States attorney, to obtain the attendance of the necessary witnesses. Nevertheless, the expectant audience was granted the

excitement of listening to a flashing debate on the subject between Clay and Daveiss. Never have two greater, more brilliant men met in opposition at the famous bar of Kentucky.

Shortly afterward, a ball was given in Frankfort in Burr's honor. This was followed by a similar festivity given by the friends of the United States attorney. For a while Daveiss suffered a great loss of popularity on account of his efforts toward the prosecution; but he was soon to be vindicated.

Fate of the conspirators

An Early Methodist Church

Burr's times of success were at an end. He was tried in Richmond, Virginia, in March, 1807. Though certain legal technicalities prevented his conviction, no one doubted his guilt. His last days were spent in wretched poverty and sorrow. Blennerhasset also died forlornly. Only Wilkinson lived on in the favor of fortune.

Running along by the side of these social agitations was a deep spiritual movement which spread throughout the State. This revival began in the Methodist church, but it awoke religious enthusiasm in all the existing denominations. Thousands flocked to the camp meetings which were constantly held, and humble laborers and learned statesmen were equally stirred by a consideration of the greatest problem of life. In the trend of this Christian movement came the formation of an association called the Friends of Humanity. Six

The great revival

Baptist ministers of note, and others of less conspicuous ability, united themselves together for the purpose of advocating the abolition of slavery. Their numbers increased at first, but they were discountenanced by their brother associations, and soon vanished.

In 1804, Christopher Greenup was elected governor. He was one of the strong characters of the early days. For more than ten years, he had been actively connected with the public affairs of Kentucky. It was during his administration (1806) that the trial of Judge Benjamin Sebastian occurred. Burr's conduct led to the investigation concerning Sebastian. During the same year, George Muter resigned from the office of chief justice, and Thomas Todd was appointed to fill the vacancy. But Judge Todd did not long execute the duties of chief justice, as higher honors awaited him. In February, 1807, he was appointed judge of the United States supreme court in the newly created circuit of Kentucky, Ohio, and Tennessee. Several eminent jurists now occupied the chief justice's bench in quick succession. Felix Grundy, Judge Todd's successor, resigned after a few months to make his home in Tennessee. Ninian Edwards, the next appointee, resigned after a little more than a year's service, to become governor of the Illinois Territory. He was followed by George M. Bibb, who also resigned in less than a year.

Years of quiet

In 1807, the Bank of Kentucky was chartered with $1,000,000 capital. Robert Alexander was appointed president by the governor. Prior to this time, Kentucky had been rigorously opposed to banking; but through some curious misunderstanding on the part of the legislature, in 1802, the Kentucky Insurance Company had been chartered with banking powers.

In 1808, General Charles Scott was elected to succeed Governor Greenup. His opponent was the rising young lawyer, John Allen, who made a vigorous canvass. But the Kentuckians were pleased to honor the military services of the veteran officer, especially as the years of peace were at an end. For some time the Indians living on the Wabash River had been growing restless under the advance of white civilization. They were roused to rebellion by their two great chiefs, Tecumseh and his brother the Prophet, and also by the influence of the English, who now anticipated another war with the United States. In the summer of 1811, General Harrison, governor of the Indiana Territory, called for volunteers from Kentucky. Many brave men, ambitious for military glory, answered the summons. The battle of Tippecanoe was fought November 7, 1811. Harrison was surprised in the night by the Indians; nevertheless, he bravely and

Beginning of war

The Prophet

Tecumseh inciting the Creeks

successfully met the attack. But Kentucky suffered a deeply felt loss by this battle, in the early death of two of her valued citizens, Colonel Joseph Hamilton Daveiss and Colonel Abraham Owen. A county of the State was named in memory of each.

RECAPITULATION

James Garrard, second governor.
Legislature orders a constitutional convention.
The third Spanish conspiracy.
Alien and Sedition laws.
The first gave the President control of aliens.
The second restricted the expression of opinion.
Kentucky condemns the laws.
Clark County makes the first protest.
Henry Clay denounces them.
Kentucky Resolutions of 1798.
Doctrine of State Rights involved.
The general government a compact of States, each State retaining the right to govern itself.
Each State has the right to judge acts of the general government, and to nullify them if they are objectionable.
John Breckinridge, the mover of the Resolutions.
Opposition of Murray and Pope.
Resolutions carried in the legislature.
Second constitutional convention.
Recent agitation causes certain changes in the constitution.
James Garrard, third governor.
A. S. Bullitt, lieutenant governor.
John Breckinridge, speaker.
Local politics quiet.
National politics absorb attention.
Kentucky rejoices over Jefferson's election as President.
Alien and Sedition laws repealed.
Louisiana purchased.
Delivered up to General Wilkinson
Aaron Burr's conspiracy.
Wilkinson implicated.
Blennerhasset's part in the scheme.
Bribe offered to Kentuckians.
Burr is indicted by J. H. Daveiss.
H. Clay and John Allen, Burr's counsel.
Burr's cool audacity.
Speeches of Clay and Daveiss.
The two balls given at Frankfort.
The fate of the conspirators.
The great revival.
"The Friends of Humanity."
Christopher Greenup, governor.
Benjamin Sebastian is tried and convicted.
Judge Thomas Todd.
The first banks in the State.
General Charles Scott, governor.
The beginnings of war.
The battle of Tippecanoe.

CHAPTER XI

THE WAR OF 1812, 1812–1815

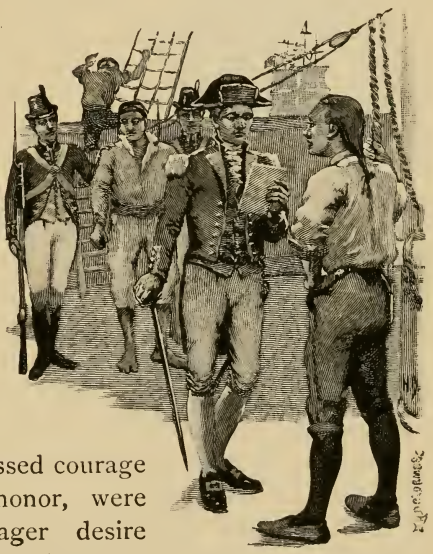
War with all of its horrors and feverish anticipations was again at hand. The causes which led to the second conflict with Great Britain had long been accumulating. England and France were in arms against each other, and the United States maintained a neutral position. In order to injure France, England blockaded with men of war the whole coast of France, and France retaliated by declaring a similar blockade of the coast of England. American vessels were seized as prizes, and the commerce of the United States was interrupted in a most disastrous manner.

Causes which led to the war

But this was not all. A greater injury, in that it contained an insult to our nation, was endured from England before war was declared. By the policy of the United States, any foreigner, after having thrown off allegiance to his own government, might become an American citizen, if he so desired. On the contrary, England claimed that a man born an English subject was always an English subject. American vessels were boarded by English officers, and searched by them to find sailors whom they claimed to be deserting Englishmen. In this way thousands of our seamen were captured. The United States deeply resented this outrage. Then the crisis came. On the 18th day of June, 1812, war was declared.

In addition to the regular army ordered to be raised, one hundred thousand militia were to be furnished by the different States of the Union. Many of the States were opposed to the war, and consequently refused to comply with the President's demand. But not so Kentucky; her people had ever looked upon England as the cruel enemy of their prosperity; and they eagerly rushed forward to aid in righting the wrong against their nation. Only five thousand five hundred men were required of Kentucky, but she was granted the privilege of furnishing seven thousand. And the State did not hold back her best, but offered her worthiest sons for the cause. A righteous resentment of offenses, and an unsurpassed courage and high sense of honor, were indicated by this eager desire to participate in the opening conflict.

Kentucky's war enthusiasm



Impressment of Seamen

On the 15th of August, two thousand troops, destined to join the army in the Northwest, assembled at Georgetown. They consisted of a regiment of regulars, under Colonel Samuel Wells, and three militia regiments under Colonels John Allen, J. M. Scott, and William Lewis. Of the companies under Lewis, Lexing-

Troops leave the State

ton had furnished six, and one was the Lexington Light Artillery, even then historic, commanded by the gallant young captain, Nathaniel G. T. Hart. They were formed into a brigade, and placed under the command of Brigadier General John Payne. Several days later, the troops were reviewed in the presence of thousands of interested spectators. Henry Clay made a speech, and Dr. Blythe, president of Transylvania University, preached a sermon; and thus animated and encouraged, they were prepared to begin their hard, eventful campaign.

On their march to Detroit the troops learned that General Hull, governor of Michigan Territory, had surrendered in the most cowardly manner to the British. Great indignation was aroused. Letters were written to Kentucky to request the appointment of General Harrison as commander of the Kentucky militia. Governor Scott's term of office was drawing to a close, but some action was imperative. He sought a council of ex-Governor Shelby, ex-Governor Greenup, Henry Clay, Judge Thomas Todd, and several other distinguished citizens. They unanimously agreed in recommending the appointment. It was therefore made. In a few more days three other companies were raised by Colonels Richard M. Johnson, James Johnson, and Captain John Arnold. General Harrison was also appointed by the President as commander of the army of the Northwest, to supersede General Winchester. On the 29th of September, he left Lexington to join the forces thus placed under his control.

Harrison's appointment

The Kentucky troops reached the Rapids of the Maumee the 10th of January, and halted to await the arrival of General Harrison. But they were not long to remain inactive. A few days later a call for assistance reached them from Frenchtown, on the river

First battle at Frenchtown

Raisin, about thirty-eight miles away. A detachment commanded by Colonel Lewis, under whom were Colonel John Allen and Majors Martin D. Hardin, George Madison, and Benjamin Graves, eagerly hastened to respond to the summons. On the 18th a successful battle was fought, and the British were driven from the village. But this victory was to be followed by an awful tragedy.

William Henry Harrison

Two days later, General Winchester arrived with a reënforcement consisting of Colonel Wells's regiment of regulars. Although General Winchester was soon informed that a large force of the enemy was on its way toward the town, he made no preparation for an attack. The night was bitterly cold, and the caution of placing pickets on the road by which the enemy would approach the town was neglected. Accordingly, before daylight on the morning of January 22, the camp was surprised by an army of two thousand British and Indians under General Proctor. The firing was opened upon the stockade of the Kentuckians and was returned with considerable loss to the British. But Colonel Wells's company was encamped on the open field. It was impossible for it to resist the attack, and the men retreated panic-stricken.

Second battle at Frenchtown

At this crisis, Colonels Lewis and Allen, with a detachment of one hundred men, rushed forward like typical Kentuckians to rally the retreating soldiers. Nearly all of Wells's men were killed or wounded, as were very many of those under Lewis and Allen. Lewis was wounded,

and Colonel Allen was slain. Thus fell in early manhood one of the most promising citizens of Kentucky, a man of pure life, of heroic character, and strong legal ability. Then came a summons to surrender. To the heroes of Kentucky death was far preferable to defeat. But after a consultation, in view of their situation, the remaining officers wisely determined to comply with the demand of the enemy. Having obtained a solemn promise from the British that the wounded Americans would be safely guarded, they agreed to lay down their arms.

The massacre

But the pledge was not fulfilled. The Indians were not restrained by the British, and early the next morning they entered the cellar of a tavern where some of the wounded soldiers were quartered, broke open casks of liquor, and drank until they were maddened far beyond their usual state of cruelty. Soldiers were dragged out of their beds and tomahawked. A house containing other wounded men was burned to the ground. Several of the officers attempted to escape under the escort of Indians whom they paid to guide them, and were treacherously murdered on the way by their escorts.

Never did a more barbarous butchery of human beings occur. The details are too ghastly to be repeated. In Kentucky, anguish prevailed such as had not been felt since the fatal battle of the Blue Licks. There were many widows and mourning friends and relatives left to recount the horrors of the Raisin massacre. And Kentucky has preserved the memory of some of her brave soldiers who lost their life at that place by naming various counties of the State after them, — Allen and Edmonson, Graves, Hart, and Hickman.

In August, 1812, Isaac Shelby had been elected governor for the second time. He had consented to become the

chief executive again, only because the United States was involved in war. He now exerted all his influence to arouse the patriotic ardor of his fellow citizens to reënforce the army of the Northwest and retrieve the loss at Raisin. Thousands of Kentuckians hastened to volunteer for the service. A strong brigade of three thousand men was formed under Brigadier General Green Clay, consisting of four regiments commanded by Colonels Dudley, Boswell, Cox, and Caldwell. This force reached the banks of the Maumee, opposite Fort Meigs, on the night of the 4th of May. In the distance could be heard the cannon of the enemy. Since the first day of the month, General Proctor with about two thousand British and Indians had surrounded the camp of the Americans. The fact of the approach of the Kentuckians was borne to General Harrison, and orders were returned to the brigadier general.

Reënforcements from Kentucky

Green Clay

The next day General Clay, with the larger portion of his men, fearlessly and successfully pushed his way through the ranks of the British to the southern shore of the river. With this reënforcement, the fort was enabled to repel Proctor's attack so vigorously that the siege was raised on the ninth day.

But the fate of the other portion of the Kentucky troops was far different. While the main body was proceeding

to Fort Meigs, a detachment of seven or eight hundred men, commanded by Colonel William Dudley, had been dispatched to the northern shore of the river to storm the British batteries. In this they were successful. But other orders, which commanded them to return immediately to their boats, were misunderstood. The Kentuckians delayed, to return a straggling fire from the Indians. They were surprised by Proctor, greatly outnumbered, and completely defeated. Many were slain and many wounded. Again the Indians treated their prisoners with the barbarous cruelty that had been practiced upon the victims of the Raisin massacre; and the British did not forbid the outrage. Only one hundred and fifty men escaped, and these also might have been murdered if the noble Indian chief, Tecumseh, had not rushed with his sword drawn, into the midst of the carnage, and controlled his savage brethren.

Dudley's defeat

Again Kentucky was called upon for reënforcements, and again she offered double the number demanded. Governor Shelby announced that he would take the field in person, and called upon volunteers to meet him at Newport. In less than thirty days, four thousand Kentuckians had assembled. Outside of Kentucky the governor had no authority to command; but his authority rested with his men, whose confidence in their leader expressed itself in the watchword of the time, — "Old King's Mountain will lead us to victory!"

Kentucky sends more volunteers

It is a fact of curious interest that Governor Shelby and his large reënforcement of Kentuckians reached the camp of General Harrison just at the moment when Commodore Perry was landing with his prisoners after his important victory over Commodore Bar-

Result of the council of war

clay on Lake Erie. Later on a council of war was held, to decide whether the American forces should cross the lake into Canada and pursue the British army, which was known to be retreating.

Battle of Lake Erie

The practicability of pursuing and overtaking Proctor was carefully argued and weighed as a military proposition. But in the mind of Governor Shelby there was no hesitation. He had gone all that distance with his "Kentucky boys" to meet the enemies of his country, and his determination was fixed to seek an encounter. Therefore an affirmative decision was cast. The order was given by General Harrison to parade the army for embarkation on Perry's fleet.

Kentuckians have always shown a tendency to be strongly influenced by eloquent oratory. On Governor Shelby's staff were two young officers, who later became famous throughout the nation, — Majors John J. Crittenden and William T. Barry. Upon the suggestion of the governor, each addressed the troops of his State. Whatever reluctance to cross on to foreign soil may have existed among them, vanished under the fire of eloquence poured forth by the young speakers. They recounted in picturesque and dramatic words the wrongs their nation had endured from the British, and the awful slaughter of their countrymen at the hands of the enemy, until every heart was stirred with patriotic impulses. "*Remember Raisin*," rang in their ears, and all were eager for action.

Power of oratory over Kentuckians

The march the first day was made in close order in solid columns. To the alert and practiced eye of Shelby this manner of movement seemed to be too slow for the hazardous undertaking before them — that of reaching Proctor and bringing him to battle. He communicated his fears to General Harrison, who, perceiving at once the truth of the suggestion, commanded that the order of march be changed in accordance with Governor Shelby's advice. The columns, therefore, were broken, and the army moved forward as a great company of travelers, each individual being urged to the utmost speed. Colonel R. M. Johnson's regiment of Kentucky cavalry was pushed eighteen or twenty miles in advance, to prevent a surprise. Soon all recognized the advantage of the new order of march. On the third day, straggling soldiers from the British army were captured at the crossing of different streams, and were passed to the rear of the American army as prisoners. This

The march into Canada

fact gave hope and increased vigor to the movements of our men.

On the fourth day the American army came upon General Proctor encamped at the Moravian town, on the river Thames, eighty-six miles northeast of Detroit. Here a decisive battle was fought, October 5, 1813. The American force was larger than the British and more cleverly ordered. Tecumseh fell early in the action, and the Indians grew disheartened at the loss of their great chief. The result was complete victory for the Americans and an end to the war in the Northwest.

The battle of the Thames

Almost the entire force was from Kentucky, and many distinguished men were included in its number, — General John Adair, who fought bravely at the battle of New Orleans, and afterward became governor of his State; Barry and Crittenden, already mentioned; General Joseph Desha, prominent in the political affairs of his day, and also destined to be governor of Kentucky; the gallant Colonel Richard M. Johnson, the slayer of Tecumseh; and Colonel Charles S. Todd, who in the times of peace served his country in the halls of Congress and as an ambassador to Russia.

Richard M. Johnson

A treaty of peace was signed at Ghent, December, 1814; but before the news reached this country several more battles were fought. Of these, the only one which

concerns the history of Kentucky was the brilliant battle of New Orleans, January 8, 1815. The British forces were commanded by Sir Edward Pakenham; the American, by General Andrew Jackson of Tennessee. Here again Kentuckians rendered important assistance, and again had the joy of participating in a triumph. It has been said of them that they "formed the strength of that central force which repulsed Pakenham."

Battle of New Orleans

RECAPITULATION

England and France at war.
United States neutral.
American commerce interrupted.
Sailors captured by England.
United States resents the insult.
Declares war, June, 1812.
Kentucky enthusiastic for the war.
One hundred thousand militia ordered to be raised.
Kentucky furnishes seven thousand.
Gives her worthiest sons.
Two thousand troops leave Georgetown.
Their request of Governor Scott.
A council of distinguished men.
General Harrison's appointments.
He becomes commander of the Kentucky militia, and of the army of the Northwest.
He leaves Lexington for his post.
The Kentucky brigade reaches the Northwest.
Is not long inactive.
Battle at Frenchtown.
British driven from the village.
General Winchester arrives.
Makes no preparation for an attack.
Is surprised by Proctor.
Fate of Colonel Wells's regiment.
Heroism of Lewis, Allen, and others.
Kentuckians obliged to surrender.
British promise safety to prisoners.
Promise not fulfilled.
Indians become intoxicated.
Terrible slaughter of prisoners takes place.
Counties named for slain officers.
Isaac Shelby again governor.
Brigadier General Green Clay.
He reaches Fort Meigs.
Clay divides his force.
Reënforces General Harrison.
Dudley's defeat.
Again prisoners are butchered.
Tecumseh's timely appearance.
Governor Shelby's call for volunteers.
Four thousand meet him at Newport.
The governor takes command.
Dramatic meeting at Harrison's camp.
Decision to pursue Proctor.
Speeches of Crittenden and Barry.
The battle of the Thames.
Death of Tecumseh.
End of the war in the Northwest.
Distinguished Kentuckians in the battle.
Brilliant battle of New Orleans.
Kentucky's part in the victory.

CHAPTER XII

LOCAL AFFAIRS, 1816–1835

War was now at an end, but peace did not await the people of Kentucky. They were about to enter a political conflict as severe as any they had ever fought with arms. The first contest in the legislature arose in 1816, when George Madison, the newly elected governor, suddenly died, and the question whether the legislature had the power to order a new election came up for decision. After a fight, the vote was cast in the negative, and Gabriel Slaughter, the lieutenant governor, became governor. He fulfilled the duties of that position until 1820, although the matter was not suffered to rest with this first decision, and was repeatedly agitated during various sessions of the legislature. But the disturbance thus caused was as an ordinary strong wind to a cyclone in comparison with the storm which was caused by the financial condition of the country.

The return to State affairs

While war prevailed in Europe, America had been cut off from foreign trade. The capital of the country was therefore employed in establishing factories for home manufactures. But when the war in Europe was over, foreign goods were again sent over to the United States. The newly established trades of this country could not at once compete with the cheaper and better commodities of the older country; hence resulted a

Financial depression

temporary financial depression. Furthermore, during the European wars, and the war of America with England, gold and silver had been banished from circulation, and in their place had been substituted a paper currency, which gave a high nominal value to commodities. The return to specie payment lowered this value, and the result was very general bankruptcy. Beside these causes of disaster, the country was burdened with an enormous war debt.

Kentucky's financial condition

For a time Kentucky was in a prosperous condition. Her portion of the war debt was promptly paid. Manufactories sprang up all over the State. In Lexington alone, in 1817, there were more than sixty mechanical shops, and Louisville, the town next in importance, soon vied with Lexington. The increase of trade in the State demanded a better circulating medium than had existed before. In the earliest days, skins of wild animals had constituted the only currency. Later on, Spanish milled silver dollars were introduced. These were cut into four parts to make quarters, which again were cut to obtain smaller bits. Of course dishonesty resulted and great loss was caused, and the need for something more satisfactory was strongly felt.

Independent banks chartered

We have learned that Kentuckians were opposed to banks. In 1817, there existed in the State only one such institution, the Bank of Kentucky, which was on a solid foundation. But, moved by the exigencies of the time, the people went to rash extremes. The legislature of 1817–18 chartered forty-six independent banks which were not required to redeem their notes with specie. The State was flooded with the paper of these banks, and a mere shadow of prosperity hung over the people. Speculation rose to an

exorbitant degree. Then the shadow disappeared, and the true financial condition was exposed. Before the end of the year 1818, most of these unsubstantial banks were wrecked; and, in 1820, the legislature repealed the charters which gave them existence.

With the banks went under also a vast number of speculators who had relied upon them. The suffering from debt was terrible. The cry for some means of relief resounded throughout the State. And now began an intense political conflict.

Two new State parties

The State became divided into two bitterly antagonistic factions, known as the Relief and Anti-Relief parties. Each enrolled many of the distinguished names of the time. On the one side may be mentioned William T. Barry, George M. Bibb, Joseph Desha, John Trimble, and John Rowan; on the other, Richard C. Anderson, John J. Crittenden, R. A. Buckner, Sr., George Robertson, Christopher Tompkins, and Robert Wickliffe. At first the Relief party was stronger in the State. The great mass of debtors were in favor of the measures it advocated. General John Adair and Major William T. Barry, both Relief candidates, were elected governor and lieutenant governor.

Bank of the Commonwealth

As a "relief measure," the legislature of 1820-21 chartered the Bank of the Commonwealth. This bank was allowed to issue $3,000,000 of paper money, and was not required to redeem its notes in specie. Soon the paper of the bank fell far below its face value, and creditors refused to receive it in payment of their debts. But the legislature had passed a further act, known as "the two years' replevin law," under which every creditor was obliged to accept in payment of his debt the paper of the Bank of the Commonwealth, or

receive nothing at all for two years, with the risk at the end of that time of further delays, or the failure of his securities.

The question of the power of the legislature to pass such an act was brought before the judges of the State.

Judge Clark's decision

The first to give an opinion on the point was Circuit Judge James Clark, of the Clark County district, who fearlessly declared the act unconstitutional. The Relief party was strong in numbers and power. The storm raged about him; but no recognition of individual loss made Clark waver in pronouncing the judgment which seemed to him correct. He was brought before the legislature in the spring of 1822, and resolutions were entered requiring the governor to remove him from office. The resolutions, however, failed to receive the necessary two-thirds vote, and were consequently lost.

All now anxiously awaited the decision of the court of appeals. This highest tribunal of the State was then filled by men of recognized integrity and unsurpassed legal ability. John Boyle was chief justice, William Owsley and Benjamin Mills, associate justices. In the midst of an intense excitement which pervaded the entire State, the judges maintained a dignified silence, and awaited the time when they should be called upon to give a decision as a court. This occurred in the autumn of 1823.

Decision of the court of appeals

The verdict of the court sustained the decision of Clark and the other judges who had concurred with him, and declared the "replevin law" unconstitutional; that is, directly in opposition to the constitution of the United States, which provides that no State has the right to pass any law which shall impair the obligation of contracts. Now, there were many men in Kentucky at this time who

believed that a State had the right to nullify or disobey a law of the United States, if that law interfered with what seemed to them the right of the State. Thus was brought into the controversy the old point of divergence between the Federalist and Democratic parties of 1798.

The mass of the people were for the time in sympathy with the Relief party. The decision of the judges awakened great opposition and caused intense excitement in the State elections of 1824. The result was victory for the Relief party. General Joseph Desha, the Relief candidate, was elected governor by a majority of nearly sixteen thousand over his opponent, Christopher Tompkins, of the opposite faction; and General Robert B. McAfee, also a Relief candidate, was elected lieutenant governor by a majority of about eight thousand over William B. Blackburn, of the Anti-Relief side. The Relief party also had a majority in both houses of the legislature.

Temporary power of the Relief party

Joseph Desha

The judges of the court of appeals held office for life, during good behavior. They could only be removed by the concurrence of two thirds of both houses. That their removal might be accomplished, the judges were brought before the legislature the following December. But as in the case of Judge Clark, the number of votes necessary for their removal was not obtained. Nevertheless, it was the will of the majority that the judges should be removed.

Old court of appeals abolished

Another means to accomplish this object was now resorted to. A bill was introduced to repeal the act under which the court of appeals had been established. If this were carried, then a new court might be organized in harmony with the will of the people. For three days, before crowded houses, the bill was debated. Each side put forth its best efforts in this unique contest. Logical and brilliantly illogical arguments mingled with the bold charge and counter-charge of the combatants. The bill passed both houses by a large majority, and was signed by the governor.

A new court of appeals was soon organized. William T. Barry was appointed chief justice, John Trimble, James Haggin, and Rezin H. Davidge, associate justices. The clerk of the old court refused to give up the papers and records of the court to the new clerk, whereupon the office was broken open to obtain them.

A new court of appeals organized

During all this time of trial, the old judges stood firm in their conviction, and continued to sit as a court, in spite of opposition. A majority of the lawyers recognized them as the only court and obeyed their decisions. Some recognized the new court, and others refused to decide between them.

An entertaining incident, which expresses the high excitement of this time, is recorded as having taken place in Lexington. There occurred in the streets of that town a regular pitched battle on this subject. Men appeared armed with pickaxes, with which they tore up the sidewalks, that they might have bricks to hurl at those who differed from them. When the riot was at its height, R. J. Breckinridge and Charlton Hunt, young men then in the beginning of their careers,

How a riot was quieted

came out with locked arms and walked through the midst of the combatants. These young men were opposing candidates, the former being an adherent of the old court

How a Riot was Quieted

and the latter, of the new court. It is needless to add that the rioters were covered with shame, and quiet ensued.

Party names were now shifted. The Relief party became the New Court party; the Anti-Relief party, the Old Court party. The elections of 1825 were fought under this issue. The storm had gathered velocity as it raged. This was the most exciting period in the whole tempest. But a calm was soon to follow. The result indicated a great change in the sentiment of the people. A large majority of the Old Court candidates was elected to the House, and the following year a majority of that party was likewise gained in the Senate.

Old Court and New Court parties

The new court was abolished and its acts annulled. The old court was reëstablished, and the salaries were paid to the judges for the time during which they had been debarred from office. Of course the "replevin law" was now repealed. The paper of the Bank of the Commonwealth was destroyed, and branches of the United States Bank were established at Louisville and at Lexington. Again the conservative element was victorious in Kentucky.

Quiet being now attained, a matter of national politics next divided the people of the State. In 1824, the vote for United States President was thrown into the House of Representatives. Henry Clay, member of Congress from the Ashland district, cast his vote for John Quincy Adams, and it was perhaps due to Clay's exertion that Adams was elected. The majority of Kentuckians were eager for the election of General Jackson, the closest contending candidate. Clay's support of Adams was received with disapproval throughout the State. This dissatisfaction among his own people arose at the time of Clay's highest national power. He had just succeeded in carrying in Congress his famous Missouri

Henry Clay's temporary loss of power in Kentucky

Compromise bill, by which the difficulties between the North and South on the slavery question were temporarily subdued. Although an account of Clay's work belongs more to the history of the United States than to that of Kentucky, his influence was so distinct upon the political affairs of the Commonwealth during his day, that it must not be lost sight of.

John Quincy Adams

The mass of the Old Court party, which represented the conservative element of the State, warmly upheld Clay. This faction now became merged into a new party that had adopted the name National Republican, while the disagreeing faction united with the Democratic Republican party. The opposition to Adams had been obliged to smolder during the time of local agitation; but when he was offered as candidate for reëlection against Jackson, the latter carried the State by a majority of eight thousand. The Democratic Republicans carried also all the State elections with the exception of that of governor. Thomas Metcalf, the candidate on the National Republican ticket, was elected over William T. Barry, by a majority of only a few hundred.

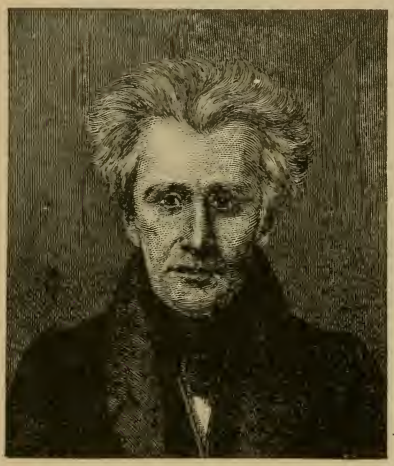
Change of party names

For a time, the control of State politics wavered between these two parties. But finally, Henry Clay's great ability forced for him the renewed support of his fellow citizens. In 1831, he was elected to the United States Senate. Although the National Republicans obtained a majority in the legislature, the

Triumph of the National Republicans

triumph of that party in the State was not yet assured.

A vigorous contest for governor occurred in 1832, and the Democratic Republican candidate, John Breathitt, was elected over Judge R. A. Buckner, Sr., by a small majority. In the exciting presidential campaign of 1832, Clay and Jackson were opposing candidates. The State gave Clay a majority of over seven thousand votes. Thus also was attained the complete victory of the National Republican party in Kentucky. Under various names and through various changes, that party held control of the politics of the State thereafter for more than thirty years.



Andrew Jackson

In the spring of 1825, Kentucky arrayed herself in proudest attire to do honor to the French hero of the Revolution, the Marquis de Lafayette. The distinguished visitor was received with ovations at Louisville, Frankfort, Versailles, Lexington, and Maysville; and each place vied with the other in the grace of the dinners and balls given him. The State had now recovered from its first financial crisis, and home life in the largest towns was as luxurious as that in Philadelphia or Boston.

Social and literary matters

Perhaps this was the era of Kentucky's highest fame. Her statesmen towered by the side of the greatest in the Union. Her lawyers were renowned. Transylvania University, under the presidency of the accomplished and fascinating Dr. Horace Holly, had attained high rank, and was recognized as a great institution of learning, not only in the United States, but abroad. For seven years Professor C. S. Rafinesque,[1] known to the scientists of the world, had occupied the chair of Natural Sciences and Modern Languages. During this time, he projected his dream of establishing botanical gardens at Lexington, and though he was unsuccessful in this undertaking, it added a charm to the town and to the State. By Dr. Holly's resignation in 1825 the University suffered a loss, but the brilliancy of his day lingered over it for years.

Marquis de Lafayette

In Lexington, also, during this time, was established a Lyceum, or literary society, in which the best talent of the day took part in lectures and debates. Here, in 1827, Thomas Harris Barlow constructed the first model railroad and locomotive ever successfully run in western America, and here he achieved his most complete invention, known as Barlow's Planetarium. Neither was Kentucky barren of artistic

Scientific and artistic productions

[1] *The Life and Writings of C. S. Rafinesque.* By Richard Ellsworth Call. M.A., M.Sc., M.D. Filson Club Publication No. 10.

productions. During this time Matthew Harris Jouett was producing a series of portraits which have given to his name an ever-increasing fame. Many prominent Kentuckians of his day were painted by him. On the walls of the old homesteads of the State hang these priceless relics of cherished ancestors. Jouett, whose Revolutionary forefathers had taken part in the founding of the Commonwealth, was born in Mercer County, April 22, 1788, and died in Fayette County, August 10, 1827, at the early age of thirty-nine. Something of his talent for making portraits and for beauty of coloring descended to his pupil, Oliver Frazer of Lexington (born 1808, died 1854). Older in point of time than the latter was another artist-son of Lexington, Joseph H. Bush (born 1793, died 1865), who did vigorous, though perhaps less polished work than the others mentioned.

Matthew H. Jouett

One of the most celebrated of Kentucky artists was the sculptor, Joel T. Hart, who was born in Clark County in 1810, and died in Florence, Italy, in 1877. Hart's circumstances were restricted, and he was obliged to begin his

career as a stonemason. But by virtue of the genius within him, and that necessary accompaniment to genius, — the power to labor unfalteringly, — he succeeded in the profession toward which his ideal ever aspired. He made several statues of prominent men of the day; but his chief claim to fame rests upon the imaginative group to which he gave the name Woman Triumphant.[1] He spent twelve years' work upon this statue, death alone ending his efforts to perfect it.

RECAPITULATION

George Madison, newly elected governor, dies.
Power of legislature to order new election agitated.
Gabriel Slaughter, lieutenant governor, succeeds.
European wars interrupt foreign trade.
Home manufactories established.
War ended, foreign trade resumed.
American manufactories fail.
Gold and silver banished from use.
Commodities bring high prices.
Specie payment resumed after the war.
Financial depression ensues.
Kentucky prosperous for a time.
Shops in Lexington and Louisville.
Unique currency of the early days.
A better currency needed.
Wild extreme of the legislature.
Forty-six banks chartered.
State flooded with paper money.
Banks and speculators break.
Commonwealth's Bank a "relief" measure.
"Two years' replevin law" passed.
Judge Clark decides against the law.
Failure of attempt to remove him from office.
Court of appeals concurs with Judge Clark.
State rights element in the question.
Relief party carries the State.
General Joseph Desha governor.
Failure of attempt to remove court of appeals judges.
Charter of the court of appeals repealed.
A new court organized.
Old court firmly guards papers, etc.
New court takes forcible possession.
An entertaining incident.

[1] In 1884 a Hart Memorial Association was organized at Lexington by Mrs. Issa Desha Breckinridge, for the purpose of raising $5000 with which to purchase of Messrs. Tiffany & Co., of New York, Woman Triumphant. The statue was secured, and is now in one of the public buildings of the city.

Old Court and New Court parties
A change of sentiment in the State.
Old Court party victorious.
A return to national politics.
Henry Clay's vote for President Adams.
Dissatisfaction occasioned in Kentucky.
Two new parties.
The Democratic Republicans elect all the State officers except governor.
Thomas Metcalf chosen governor.
Victory wavers between the two parties.
John Breathitt, Democratic Republican, elected governor.
Henry Clay elected to the United States Senate.
Final triumph of National Republicans in the State.
Lafayette's visit to Kentucky.
A brilliant era.
Transylvania University.
Dr. Holly and Professor Rafinesque.
Botanical gardens projected at Lexington.
Thomas H. Barlow, inventor.
The artists of Kentucky.

CHAPTER XIII

CIVIL AFFAIRS AND THE MEXICAN WAR, 1836–1849

THE National Republican party became merged into the Whig party, and the affairs of Kentucky were now controlled by that conservative element. As an evidence of this change of sentiment in the State, James Clark, the judge who gave the decision against the replevin laws, was elected governor in 1836 The elections of the following year gave a continued triumph to the Whigs. It was as a result of a congressional contest of this year that one of the most gifted sons of Kentucky was brought within the recognition of the nation.

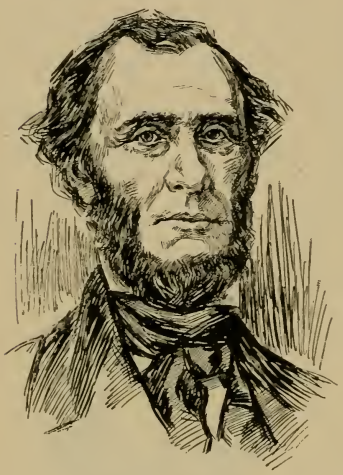
Rise of the Whig party

Richard H. Menefee

Among those men who shed luster upon Kentucky in the early days of the present century, none surpassed, if any equaled, Richard H. Menefee. He was born in Bath County in 1809. His public career began in 1832, before he had completed his twenty-third year, when he was appointed Commonwealth's attorney. With one term in the State legislature,

Richard H. Menefee

one term in the Congress of the United States as the Whig representative of his district, and less than two years' legal practice at the Fayette bar, his brief life closed at the age of thirty-two. In legal ability and the powers of oratorical persuasion he has never been surpassed, and in those distinctive characteristics of high-spirited chivalry which mark the Kentuckian, he has never had a superior. But his name is connected with no great event in history. Such men are forgotten unless they are held up in grateful remembrance before the people of the State upon which they brought honor in their day and generation.



Thomas F. Marshall

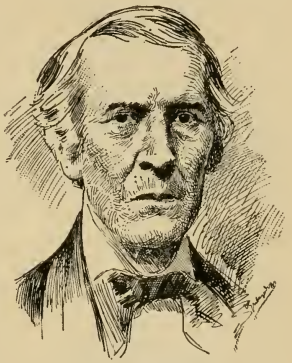
And it must be understood that this was the day of great men in Kentucky. From the long list of notable names, one or two may be selected as representative of the others. Thomas F. Marshall was born in Frankfort, June 7, 1801, and died at his old home, "Buck Pond," near Versailles in Woodford County, September 22, 1864. In wide scholarship and fervent, imaginative oratory he was rarely gifted. As a speaker he possessed the rather unusual combination of vigorous logic and captivating brilliancy. If his moral character had equaled his intellectual ability, he might have made an enduring impression upon his country.

Thomas F. Marshall

In the beginning of his second term, President Jackson

vetoed the bill to recharter the Bank of the United States. As a result of this measure State banks sprang up all over the Union. The legislature of Kentucky, in 1833–34, established the Bank of Kentucky, the Bank of Louisville, and the Northern Bank of Kentucky. Paper money became abundant; as usual, speculation increased, and bankruptcy followed. In the year 1837, all the banks in the United States were obliged to suspend specie payment. By prudent management, however, they were able to resume specie payment the following year. But unfortunately for the country, the spirit of speculation had been stifled only momentarily, not destroyed. Business ventures increased, and again, the next year, there occurred a universal suspension of banks. This financial depression not only existed in Kentucky, but was general throughout the United States for several years. In 1842 an attempt was made to revive the old "relief measures." But there was no danger now of the passage of any radical laws by the legislature. The people had at last learned that legislation does not remedy evils.

Financial depression



William Owsley

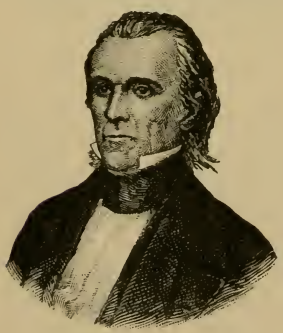
Still the Whigs led in State politics. In 1840, Robert P. Letcher, who had been a member of Congress for ten years, was elected governor by a majority of nearly sixteen thousand votes over the nominee of the Democratic party — by which name the Democratic Republicans were now called. But the political contests of 1844 were the most exciting that had occurred

Continued Whig control

in the State for many years. The Whig nominee for governor was Judge William Owsley, who will be remembered as one of the distinguished judges of the old court of appeals during the famous controversy. The Democratic nominee was the popular Major William O. Butler, later General Butler of the Mexican War. Butler was a man of ability. Furthermore, he had been a brave soldier. He had survived the slaughter at Raisin and participated in the victory at New Orleans. Nevertheless, the Whigs carried the day. Judge Owsley was elected by a majority of about forty-five hundred votes.

In the autumn of this year the election for President of the United States took place. Again Henry Clay had been chosen the nominee of the Whig party. Kentucky stood true to Clay, and gave him a majority of over nine thousand votes. But James K. Polk, of Tennessee, was elected after a very close contest. The issue had turned upon the question of the annexation of Texas to the United States. Clay opposed this measure for various reasons, two of which were that it would increase the slave-holding territory in the United States, and that it would inevitably result in war with Mexico. Just before the inauguration of Polk, and under his advice, the acting President, Tyler, signed the bill for the annexation of Texas to the Union.

Issue of the presidential election

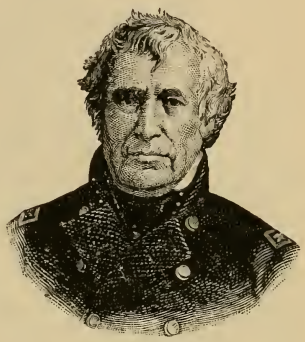


James K. Polk

As had been foreseen by Clay, war with Mexico was inevitable. Immediately after the annexation was accomplished, the authorities of Texas sent an urgent request

to the President to forward an army for their protection. General Zachary Taylor, of the United States army, a Kentuckian by adoption, was dispatched. Hostilities immediately began. On the 13th of May, 1846, Congress declared war with Mexico. Although the people of Kentucky, by their vote for Clay, had shown their opposition to the measure which brought about the Mexican War, yet, when war was declared, they were ready, as they had always been, to aid the Union in her time of need. Of the fifty thousand troops which the President called for, Kentucky quickly offered ten thousand and many more were eager to be called into service. Three of the important officers of this war were Kentuckians, — Zachary Taylor, major general of the regular army; William O. Butler, major general of volunteers; and Thomas Marshall, brigadier general of volunteers.

Outbreak of the Mexican War



Zachary Taylor

One hundred and five companies, nearly twice as many as were called for, went out from Kentucky to join General Taylor's army. The first regiment of infantry, comprising nine companies from Louisville, was commanded by Colonel Ormsby; the second, by Colonel William R. McKee, of Lexington, Lieutenant Colonel Henry Clay, Jr., and Major Cary H. Fry. The first regiment of cavalry was commanded by Colonel Humphrey Marshall, of Louisville, Lieutenant Colonel Ezekiel H. Field, of Woodford County, and Major John P. Gaines, of Boone County.

Kentucky troops

The war was fairly commenced before the Kentucky troops reached their destination. The first action in which any of them fought was the charge on the city of Monterey. The Louisville legion took part in that successful assault, September 24, and were reported to have showed obedience, patience, discipline, and calm courage. General Butler was wounded, and Major Philip N. Barbour was killed. The legislature the following year, 1847, passed resolutions in compliment of the Louisville legion, and ordered swords to be presented to Generals Taylor and Butler, and to the widow of Major Barbour.

Humphrey Marshall

Battle of Buena Vista

The only important action in the Mexican War in which Kentuckians largely took part was the memorable battle of Buena Vista, fought February 22 and 23, 1847, around which have gathered so many stirring recollections. Here fell two of the most gallant sons of Kentucky, — Colonel William R. McKee and Lieutenant Colonel Henry Clay (eldest son of Henry Clay the statesman). One fifth of the troops in this battle were from Kentucky, and of the seven hundred and twenty-three men killed or wounded, one hundred and sixty-two were from this State.

The successful issue of this battle led to the capture of Vera Cruz, the daring attack upon Cerro Gordo, and the final capture of the City of Mexico. With the triumph of the American arms, peace was gained in Texas, and a vast territory was surrendered by Mexico to the United States. An independent company of one hundred men from Clark County, commanded by Captain John S. Wil-

General Taylor at Buena Vista

liams (afterward General Williams of the Confederate army, and later United States senator), took part in the battle of Cerro Gordo, April 18, 1849, where the Mexicans lost in killed and wounded one thousand men, besides three thousand who were taken as prisoners, and all their materials of war.

The Kentucky troops buried their dead comrades upon the field of Buena Vista; but a few months later the State brought home the ashes of some of her heroes to rest in the cemetery of the capital. On the 20th of July, 1847, the solemn and interesting ceremonies took place. An address was delivered by the Rev. John H. Brown of the Presbyterian Church, and an oration by John C. Breckinridge.

Funeral ceremonies at Frankfort

A little later the State erected a handsome monument in memory of the heroes. It was for the occasion of its unveiling that Theodore O'Hara wrote his immortal elegy, *The Bivouac of the Dead.* O'Hara,[1] born in Danville, Kentucky, in 1820, was the son of Kane O'Hara, an Irishman exiled for his religion, who was celebrated in his day in Kentucky for profound classical scholarship. Theodore O'Hara had himself served with distinction in the Mexican War. Entering the army under the appointment of a captaincy, he retired with the rank of brevet major. His heart was stirred by the events through which he had just passed, and his genius expressed itself in as great a poem of the kind as was ever written. It is thrilling even to think of the scene in the cemetery at Frankfort that summer day — with the State's great dead resting all around under the shade of primeval forest trees — when the soldier poet lifted up his voice in the impressive measure of his verse:

O'Hara's elegy

> "The muffled drum's sad roll has beat
> The soldier's last tattoo;
> No more on life's parade shall meet
> The brave and daring few.

[1] *O'Hara and His Elegies.* By George W. Ranck.

On fame's eternal camping ground
Their silent tents are spread,
And Glory guards, with solemn round,
The bivouac of the dead."

In 1848 John J. Crittenden retired from the Senate of the United States to accept the Whig nomination for governor of Kentucky. He was elected by a large majority over his opponent, Lazarus W. Powell, one of the most notable men in the Democratic party of that day. Crittenden was born in the county of Woodford in 1786. After he was called to the bar, he moved to that portion of the State known as the Green River country, then attracting many young men of talent. From Russellville, in the county of Logan, in 1811, he was sent, for the first time, as a representative to the legislature. In 1817, he was chosen United States senator. During the troublous times of the Old and New Court controversy he again consented to take part in his State's affairs. Accordingly he was elected a representative from Frankfort, where he had settled to practice law. In 1835, he was again called into national politics. He held the office of governor of Kentucky until 1850, when he resigned to become attorney-general in President Fillmore's cabinet. John L. Helm, the lieutenant governor, was inaugurated governor.

John Jordon Crittenden elected governor

John J. Crittenden

In 1849, the State constitution was revised for the third time. Four important changes may be noted: (1) The judiciary, which formerly had been appointed by the governor, was made elective by the people. (2) The power which the legislature had possessed to raise money for debt on the credit of the State was abolished. (3) Certain provisions for the continuation of slavery were made. (4) No convention to revise the constitution could be called without a two-thirds vote of the entire voting population of the State.

Third revision of the constitution

RECAPITULATION

Rise of the Whig party.
James Clark, governor.
Richard H. Menefee.
Thomas F. Marshall.
Charter of United States banks repealed.
Three banks chartered by the legislature.
Paper money plentiful.
Speculation followed by bankruptcy.
Momentary return of prosperity, followed by wide-spread failure.
Attempt to revive "relief measures."
Extreme measures not to be carried.
Robert P. Letcher governor.
Exciting contest for the succeeding governor.
William Owsley, Whig, elected.
Clay the Whig nominee for President.
Kentucky gives him a large majority.
The annexation of Texas the question of the contest.
Clay's opposition to the annexation defeats him.
War with Mexico inevitable.
General Taylor of the United States army dispatched to Texas.
Hostilities begin.
War declared.
Kentucky's attitude toward the war.
She offers 10,000 militia.
Kentuckians high officers in the war.
The Kentucky troops.
The Louisville legion.
The charge on Monterey.
Battle of Buena Vista.
One fifth of the troops Kentuckians.
Distinguished Kentuckians slain.
The battle leads to the American victory.
Peace in Texas.
Acquisition of a vast territory.
Ashes of the heroes of Buena Vista buried at Frankfort.
Memorial monument later erected.
O'Hara and his *Bivouac of the Dead.*
John J. Crittenden governor.
Succeeded by John L. Helm in 1850.
Crittenden's ability.
State constitution revised in 1849.
Four important changes made.

IV—THE CIVIL WAR, 1850-1865

CHAPTER XIV

THE SITUATION IN KENTUCKY, 1850–1860

Long before the peal of thunder and the flash of lightning announce the downpour of rain, forces have been at work in the heavens to produce a storm. Long before the outbreak of the Civil War, events had been slowly tending toward the inevitable conflict. With the first slaves introduced upon American soil began the conditions which brought about the final tragedy. Of course there were many branches that grew out of the main vine, — the slavery question, — and one was so important and grew so rapidly as time went on that it seemed to many the parent vine, — the original source of the controversy. This was the different and directly opposite views held by the North and the South as to the nature of the government of the United States, the former believing that sovereign power resided in the Federal government; the latter, that it resided in the States.[1]

Causes of the Civil War

In the warm Southern States where cotton was extensively produced, slavery was deemed a necessity to the agricultural life. This was not the case in Kentucky. But the institution had existed and flourished from the earliest days of the settlement of

Slavery in Kentucky

[1] *The War between the States.* By Alexander H. Stephens.

the region. In 1850 the population of the State was 982,405, of which over 200,000 were slaves.

On the great landed estates of the Commonwealth the lot of the slave was comparatively happy. And yet, over and over again, in important conventions of the State, this problem of human property had claimed the consideration of the people. For years, Henry Clay had been president of the American Colonization Society, and he had advocated a system of gradual emancipation. Many of the prominent citizens of the State, who were large slave owners, concurred in this humane project; but they were in the minority, and we have seen that the revised constitution of 1849 provided for the continuation of slavery.

Effect of abolitionism

This provision in the constitution grew out of Kentucky's resentment of the course which extreme persons in the North were beginning to pursue toward the slave-holding States of the South. It had its immediate cause in a desire to oppose the conduct of certain abolitionists who, as early as 1841, began a system of stealing away slaves from their masters and running them into Ohio (a free State) and thence into Canada. These persons had accomplices stationed in different parts of Kentucky, and along routes known only to themselves. When the negroes were stolen, they were passed on from one station to another until they were safely out of the country. Thus the means by which this business was accomplished received the name of the "underground railroad." Again and again the conspirators were discovered in different parts of the State, and were tried and condemned;[1] but still the work went on because those engaged

[1] The most noted case was that of Miss Delia A. Webster, who was tried at Lexington, in 1844, and sentenced to two years in the State penitentiary.

in it believed they were doing right. Hundreds of slaves were stolen in this way from their owners.

In many cases the slaves were unwilling to leave their

Negroes' Dance

homes. While they greatly desired freedom, they were as a class a peaceable people that dreaded change. They knew the life they were living. It had sore trials; but they realized that they would always be

Characteristics of the slaves

But the same jury that had condemned her for what they judged a crime, signed a petition to the governor for her pardon. She was released because she was a woman, while her companion in the work was sentenced to serve fifteen years in the penitentiary.

provided for. They knew nothing about the life into which they would be taken. Moreover, the careless, irresponsible existence they led made them unthinking. They lived for the moment, and if they could steal off at night and meet together at some neighboring "quarters" for a dance, they gave themselves up to the frolic with reckless disregard of the punishment which might follow on the morrow.

The leader of the antislavery movement in Kentucky was Cassius M. Clay, a man of strong will, fearless in advocating his opinions. In 1845, he began to issue at Lexington an abolition newspaper called *The True American.* Its tone was inflammatory and was considered altogether improper. The citizens of that town met and decided that its publication was detrimental to the peace of the community, and that it must be discontinued. When the editor, who was at home ill at the time, was informed of the action of the meeting, he sent back a defiant reply; whereupon a committee of sixty of the most honorable citizens of the place were deputed to go to the office of *The True American* and take possession of it. The whole proceeding was managed

An abolition newspaper

Cassius M. Clay

in the most orderly manner. The secretary containing the private papers of the editor was sent to him at his home The press, type, etc., were packed by printers and sent to the care of a reliable firm in Cincinnati, and the editor was informed that he would find them there awaiting his order.

Of course the committee of sixty had to be tried, for their action was illegal; but the jury, without hesitation, gave a verdict of "not guilty." All over the State enthusiastic meetings were held in commendation of the action of the citizens of Lexington, and strong resolutions were passed recommending the prevention of such incendiary publications as *The True American* in the State. This shows that the unwise conduct of extreme abolitionists awakened much excited feeling that otherwise might not have existed.

The State commends the action of Lexington

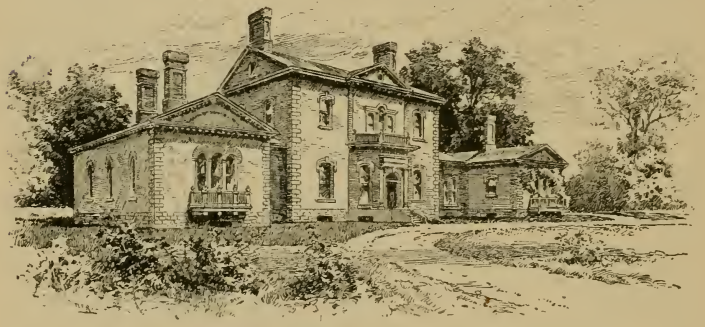
Kentucky was rapidly growing intensely proslavery. The majority of her people believed to a certain extent in the doctrine of State rights. All their sympathies were in harmony with the customs of the Southern States; and yet, at the same time, Kentucky had ever been most ardently attached to the Union. As an evidence of this fact note the words which the legislature of 1850 ordered to be engraved on a block of Kentucky marble that was to be placed in the "General Washington Monument" at Washington City: "Under the auspices of heaven and the precepts of Washington, Kentucky will be the last to give up the Union."

Proslavery and Union sentiments

Slowly, steadily, the division between the two sections of country was widening. But all the while the great and patriotic mind of Henry Clay was struggling to adjust the differences which threatened dissolution to the Union. The prediction

Henry Clay's Compromise Bill

which Clay had made concerning the annexation of Texas in 1845 was fast being fulfilled. Already a war with Mexico had been fought. Out of the vast territory ceded by Mexico in 1848 to the United States, new States were forming. Already California had framed its constitution and asked for admission into the Union. The question whether slavery should be allowed in the new States raised a conflict of opposition on the one hand,



Clay's Home, Ashland, Kentucky

and advocacy on the other, such as had never before occurred in the nation.

In this condition of affairs, on the 29th of January, 1850, Henry Clay came forward in the United States Senate with his celebrated Compromise Resolutions, which were known later as the Omnibus Bill. Clay's earnest speech in exposition of these measures of peace lasted two days, beginning February 5. For months the bill called forth exciting debates in the halls of Congress; but finally the various measures which composed it were passed before the close of that memorable year. This was Clay's last

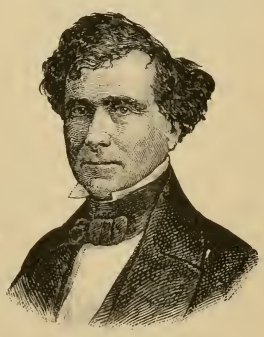
great effort. Two years later he died, just prior to the downfall of the Whig party, of which he had long been the leader in spirit, if not in place.

In 1851, Lazarus W. Powell, one of the most talented members of the Democratic party, was elected governor. But the Whigs secured a majority of the other State offices and elected most of their men to both houses of Congress. At this time the first Emancipation ticket in Kentucky was run, with Cassius M. Clay at its head, as nominee for governor. His vote, however, was only about thirty-six hundred. Archibald Dixon, who had been the Whig nominee for governor against Powell, was elected United States senator in the place of Henry Clay, resigned. The days of the Whig party were numbered.

State politics

With the election of Franklin Pierce, the Democratic nominee for President, in 1852, the Whig party disappeared from national politics, never to reappear. In Kentucky, for several years longer, it continued to exist as a distinct organization, under the leadership of John J. Crittenden. But a disruption had occurred in its ranks. Some of its members, more extreme in one direction, had gone off with the abolition movement; while others, of the opposite tendency, had united with the Democratic forces.

Downfall of the Whig party



Franklin Pierce

In the unsettled, agitated condition of the nation it was inevitable that new parties should arise to embody the various opinions the times inspired. The American or Know-Nothing

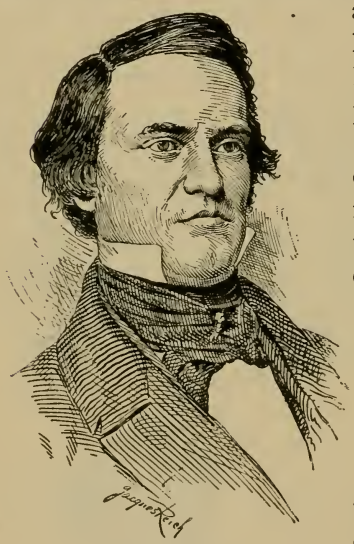
party, as it was commonly called, appeared like a meteor only to fall like a meteor. It existed from 1853 to 1856.

Know-Nothing party

In the Kentucky elections of 1855 for State officers and members of Congress this ticket was mainly successful. Charles S. Morehead, a former Whig, became governor.

But the variations in the politics of the State were like the waverings of a newly started pendulum before it finally assumes its regular beat. The hour of Democratic supremacy was at hand. In 1856, John C. Breckinridge of Kentucky, the Democratic nominee for Vice President, was elected, with James Buchanan as President. Young Breckinridge was peculiarly fitted to become the leader of the Democratic forces of his State. He was brave, with a winning manner and a ready oratory. His sympathies went out ardently toward the South in the question which was now before the nation. In the ensuing State elections, the Democrats were victorious. In 1859, Beriah Magoffin, Democrat, was elected governor, and a majority of Democrats was obtained in both houses of the legislature.

Democratic supremacy



John C. Breckinridge

Although the Democracy held the scepter of power, yet there still existed in the State that old conservative element whose influence has been repeatedly noted. This element

has been known to us most recently under the appellation Whig. Left now without a party name, the men of that policy became designated for a time simply as the "Opposition." But they were soon to make for themselves a name which is expressive of the work they did for their State and the nation, — Conservative Union party.

The conservative element

This body was composed of some of the purest and most patriotic men the State has ever produced. In their number will be found the names of such able judges as L. W. Andrews, R. A. Buckner, C. F. Burnam, W. B. Kinkead, Joseph R. Underwood, and Nathaniel Wolfe; of such distinguished statesmen as Joshua F. Bell and James Guthrie; and of such brilliant editors as George D. Prentice of the Louisville *Journal*, John H. Harney of the Louisville *Democrat*, and D. C. Wickliffe of the Lexington *Observer and Reporter*. And there were many others who, in the legislature, in public speeches to the citizens of the State, and in newspaper editorials, likewise labored to avert the threatened dissolution of the nation. Of these men, John J. Crittenden stood as the representative type in the Federal Congress. All hopes were now turned to him to save the Union.

RECAPITULATION

The North and the South hold contrary views.
They interpret the Federal constitution differently.
Slavery becoming a serious problem.
Slavery not necessary to Kentucky.
Large slave population of the State.
The slave problem repeatedly disturbs the people.
Gradual emancipation advocated.
Extreme abolitionists excite temper in the people.
"The underground railroad."
Many slaves captured in this way.
The careless lives of the slaves.
An abolition newspaper forcibly discontinued.
The "committee of sixty" tried and acquitted.
Lexington's action commended by the State.

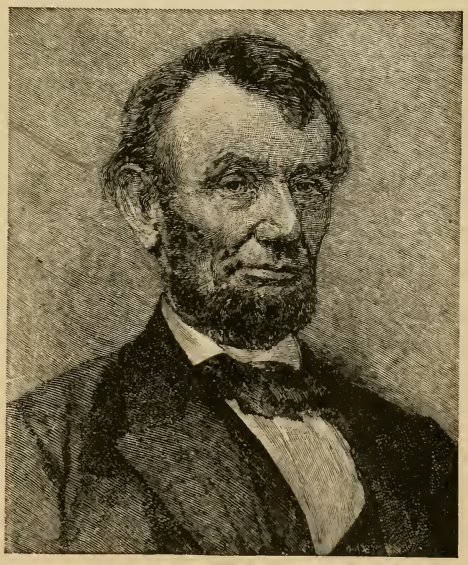
Kentucky opposed to abolitionism.
Her belief in State Rights.
Her ardent attachment to the Union.
Henry Clay's prophesy concerning Texas fulfilled.
New States ask admission to the Union.
Question of slavery in the new States.
Clay's Resolutions of 1850.
The various measures carried.
Clay's death two years later.
Whigs carry most of the elections of 1851.
Lazarus W. Powell, Democrat, elected governor.
Cassius M. Clay heads an Emancipation ticket in 1851.
Archibald Dixon succeeds Clay in United States Senate.
National downfall of the Whig party.
Crittenden holds it together a little longer in Kentucky.
Rise and fall of the Know-Nothing party.
Democratic supremacy.
John C. Breckinridge the Democratic leader.
Beriah Magoffin, Democrat, governor.
Old Whig party first called the "Opposition."
Becomes the Conservative Union party.
Its members men of weight in the community.

CHAPTER XV

KENTUCKY'S POSITION OF NEUTRALITY, Nov. 1860–June 1861

It is a curious coincidence that the two men who were destined to take the political lead in the great conflict of the nation were born in Kentucky, within one year of each other. Jefferson Davis was born June 3, 1808, in that part of Christian County which afterward became Todd County. In his infancy his family moved southward to Mississippi, where he became imbued with the spirit and the customs of the planters. Abraham Lincoln was born in a log cabin in that part of Hardin County which afterward became Larue County, on the 12th day of February, 1809.

Lincoln and Davis, natives of Kentucky



Abraham Lincoln

In his boyhood, his family moved northward into the uncultivated regions of the newly opened West. From a life of vigorous physical toil and earnest mental exertion, he learned those lessons of truth and freedom which prepared him for his mission.

In November, 1860, Abraham Lincoln was elected President of the United States. The leaders of the South had declared that in the event of his election they would withdraw from the Union. Secession feeling was growing. On December 17, South Carolina met in a State convention that resulted in the secession of that State from the Union on December 20. Within two months Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas followed this precedent. On December 18, John J. Crittenden offered in the United States Senate certain compromise propositions which, if adopted as amendments to the Federal constitution, he hoped would bring peace between the North and the South. But the propositions were voted down. The country was in no state of mind to listen to reason. Ten years had passed since Clay had carried in that same body his compromise measures of 1850. For ten years fuel had been added to the flame which was then burning in the North and in the South. In 1850, it was possible to subdue it; in 1860, it had grown beyond the power of man to quench.

Secession of Southern States

In January, 1861, a committee composed of one member from the representation in Congress of each of the Border States met and framed other compromise resolutions which Crittenden, a member of the committee, accepted as substitutes for his own. But these proposed amendments met the same fate as their predecessors. In the meanwhile, at home, the Union men

Efforts toward compromise unavailing

upheld the hands of their senator. Conventions passed resolutions in favor of his efforts to avert the approaching catastrophe. Earnest speakers addressed the citizens in different parts of the State and implored them to be moderate in their actions. "Secession," they said, "means revolution, and revolution means war. And war with whom? With our neighbors, our friends, our brothers!" In glowing language they urged the citizens nobly to face the wrongs which the South had suffered from the North, not failing to recognize, at the same time, the honor and the blessing of living in a great united country; and to stand firm in the position they had taken for the Union.

On the 17th day of January, 1861, the legislature met in called session. Governor Magoffin, in his message, set forth the condition of the country as it appeared to him at the time, and strongly recommended the calling, forthwith. of a State convention to determine the future attitude of Kentucky toward the Federal government. The governor also recommended the arming of the State; the appointment of commissioners to act for Kentucky in a convention of Border Slave States to meet in the city of Baltimore at an early day; and the presentation of the Crittenden compromise, or its equivalent, as an ultimatum.

The governor's message

Many members of the Democratic party advocated calling a State convention. Notable among these was Vice President Breckinridge, who definitely expressed his views on the subject in a letter to the governor received a few days before the legislature convened. After giving a summary of the Crittenden compromise propositions, and mentioning other efforts which had been made to settle the political differences then dividing the country, he stated his firm conviction that no

Democratic views

plan of adjustment would be adopted by Congress. He therefore gave his voice for a State convention. In his opinion, civil war was imminent unless it could be arrested by the prompt and energetic action of the several States in their sovereign capacity. He believed that it might be arrested if Kentucky and the other Border States should calmly and firmly present a united front against it. But if the war could not be avoided, he desired that Kentucky should be in a position to decide whether she would support the Federal Union or the Southern cause.

Union views on the subject

On the other hand, the Union men were distinctly opposed to calling a State convention. They argued that such a convention would not better the condition of Kentucky, that the legislature had full power to do everything necessary for the good of the Commonwealth. On one point only it could not act. It could not withdraw the State from the Union. It was only through the action of a State convention that such a step could be taken. They believed that if a convention were called, Kentucky might be led to secede. They were assured that most of the people of the State were attached to the Union; but they knew that in times of high excitement men may be tempted to rash action, contrary to their sober judgment.

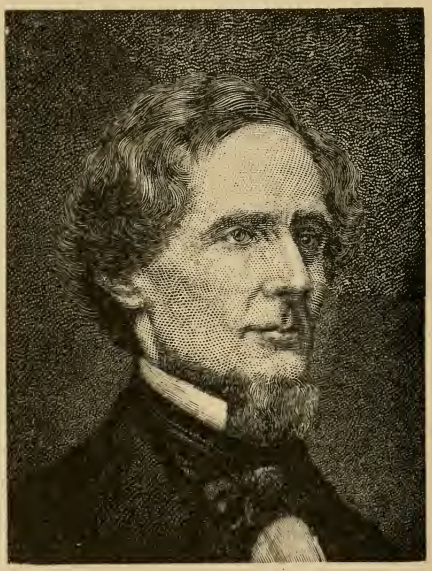
Legislature against a State convention

In the legislature, this important matter was earnestly argued by both sides; but finally the decision was reached that action at that time on political affairs was both unnecessary and inexpedient, and the legislature refused to call a convention that might take the State out of the Union. On February 11, the legislature adjourned until March 20. Little was done at this second session of sixteen days beyond further discussion of the state of the country. By special invita-

tion, an address from the Union standpoint was delivered by John J. Crittenden, which was followed several days later by another from the Democratic point of view by John C. Breckinridge. Crittenden had just left the United States Senate. Breckinridge was his successor.

On the 4th of February, a Peace Conference of twenty-one States assembled at Washington. Kentucky sent six delegates, — William O. Butler, Joshua F. Bell, James B. Clay, James Guthrie, Charles S. Morehead, and Charles A. Wickliffe; but nothing was accomplished by this meeting. All efforts toward compromise were of no avail. Matters were tending to a crisis. By this time seven States had seceded. On the same day that the Peace Conference opened in Washington, delegates from six of the seceded States met at Montgomery, Alabama, to frame a government for The Confederate States of America. Jefferson Davis was elected President. On the 4th of March, Abraham Lincoln was inaugurated President of the United States.

Definite turn in affairs



Jefferson Davis

On the 12th of April, 1861, the first gun in the war between the States was fired on Fort Sumter, in South

Carolina. The garrison was under the command of Major Robert Anderson of the United States army, a native of Kentucky. On the 14th, the Federal forces were compelled to abandon the fort. The President immediately made proclamation for troops. Kentucky was called on to furnish four regiments for the service of the government. Governor Magoffin promptly telegraphed the following reply to this demand: "In answer, I say, emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States." Troops requested for the Confederate States were also refused by the governor.

Beginning of the war

The Union men now nerved themselves for a mighty effort to hold Kentucky in a position of neutrality. On the 17th of April, Crittenden made a speech to a large audience at Lexington. He brought all the weight of his great intellect to bear on his appeal to the people to maintain an independent course. Kentucky, he showed, had done nothing to bring on this war; she had done everything in her power to prevent it. Now that civil strife was begun, there was no reason why Kentucky should be forced to take part either with the North or the South. Let her stand true to the Union alone and remain in her place as a peacemaker.

Efforts to hold Kentucky neutral

The Union State Central Committee (formed January 8) followed up this line of argument in an address to the people. They earnestly urged that Kentucky should persevere in a position of neutrality, and they recommended that she should arm herself thoroughly, so that she might protect her soil from the invasion of either the Federal or Confederate forces. Similar Union meetings were held in various localities. Everywhere, it was evident, the desire of the people was for neutrality.

Thus two facts are apparent to us, — that the people of Kentucky were ardently attached to the Union, and that they were distinctly opposed to war. They believed that the disagreement between the North and the South ought to be settled in some peaceable way. They shuddered at the thought of civil war — war between friends and kindred. Therefore there was no probability, just at this time, that the State would decide to unite with the Federal government in resisting the secession of the Southern States.

Kentucky's attitude toward the war

The extreme Unionists — those who were ready for war — were in the minority. But it was possible that Kentucky might decide to support the Southern cause. The Conservative Union men and the Democrats were agreed in believing that the Northern congressmen had no right to make laws against the slave property of the South. But the Democrats believed in the doctrine of State Rights, — that a State had the right to secede when it judged that the Federal government had acted unconstitutionally toward it. They dwelt upon the wrongs the South had suffered, and the subject appealed to the spirit of many of the gallant young men of the Commonwealth. The Kentuckian, from the days of his earliest conflict with Indians, had allowed no foe to overcome him. It was his impulse now to rush forward and take his stand beside his resisting brethren. It would not have been impossible, perhaps, by a few impassioned speeches on this line, to have turned the State into the Confederacy.

In this state of feeling the legislature was again assembled in called session, May 6. At first it appeared as if the Southern Rights element was in the majority. But there were in that body a number of old tried Whigs, — Union men now, — who braced

Legislature favors mediatorial neutrality

themselves to exert every effort to keep their State from the horrors of this war, and to hold her true to the Union. Their strength was as the strength of many because they were convinced that their purpose was righteous. Moreover, they were upheld by the will of the people. Petitions poured in from the women of the State, imploring the legislators to "guard them from the direful calamity of civil war." Furthermore, several members who had been elected as Democrats before this crisis of war had come, now went over to the aid of the Union men. Notably among these was Richard T. Jacob, later colonel of the Federal army, and lieutenant governor of the State. And so it came about that this legislature decided the fate of the State, and perhaps of the nation, by voting in favor of mediatorial neutrality.

Kentucky's position of mediatorial neutrality was primarily a decision for the Union. It did not mean that the Federal government had no right to raise troops for its defense on her soil. It rather indicated such a right, and was simply a request to the Federal government for a postponement of that constitutional right, in order that an effort might be made on her part to try to win back the seceded States to the Union and to secure peace.[1] But if peace were impossible, and the war should continue, Kentucky was determined to stand by the Union, even to her temporary disadvantage in the possible destruction of her slave property. What was gained by this position was delay. In that hour of impassioned action every moment of rational inaction was of vital importance.

Meaning of mediatorial neutrality

[1] Synopsis of House Resolutions in exposition of the position of the legislature of 1861. Offered by the member from Oldham, Richard T. Jacob, and accepted by the legislature, September 1, 1861.

The Union victory was attained by only one vote in the House and a meager majority in the Senate; but none the less was it regarded by the Conservatives as a triumph which would result in immeasurable good. In the list of those who accomplished it are found the names of men who are known to the nation. There are R. A. Buckner, Speaker of the House, C. F. Burnam, Lovell H. Rousseau, James Speed, Joseph R. Underwood, Nathaniel Wolfe, and others too numerous to mention. Old men who were present in that legislature tell us to-day of the deep earnestness of the discussion through which that decision was reached.

Union victory

Throughout this study we have had occasion to notice the sober dignity with which Kentucky has met every serious issue in her history; and we have also observed the important work she has done for the nation. Let us especially recall the period of her severest trial, — her tedious struggle for independence from Virginia, — and we shall find that she decided her course of action in this present vital hour of the nation's life in harmony with that judgment which controlled her in the former period.

The governor issued a proclamation setting forth the fact of Kentucky's neutrality, and likewise warning and forbidding any State, whether of the United States or of the Confederate States, to enter or occupy Kentucky with armed forces. The legislature also directed that the State should be armed for her own protection. The necessary funds were immediately raised, and arms and ammunition were procured for the State Guards and the Home Guards; and it was especially provided that neither the arms nor the militia were to be used against either the United States or the Confederate

The governor's proclamation

States, but solely for the defense of the State of Kentucky. The governor appointed Simon Bolivar Buckner inspector general, Scott Brown adjutant general, and M. D. West quartermaster general.

The President called a special session of Congress for July 4, 1861. The election thus made necessary is described by one of the Union workers of that time as follows: "And now the contest opened before the people of Kentucky, and the Union men went boldly and confidently into the fray. . . . All eyes were at once turned to Mr. Crittenden, and his services were demanded in that Congress. . . . The noble old man heard the call and did not hesitate for a moment. . . . Animated by intense patriotism and the stirring scenes around him, he moved through the district with all the vigor and spirit of a young man, unbent by age, his manly form erect, his voice clear and thrilling, his eye blazing with all the fervor which the high responsibility of his position inspired. Crowds flocked to listen to him; the people everywhere responded to his appeal. . . . He was elected by a large majority. Many others of the best men of the State were sent to Congress.[1] The most trusted men were selected for the legislature, and secession was no longer thought of in Kentucky.

Union men elected

"No one doubts that had Mr. Crittenden faltered at all, or had he pursued any other course than that which he did pursue, Kentucky would have been lost to the Union. His personal influence in the late legislature had contributed much to prevent injudicious action.

Crittenden's influence

[1] The men selected to represent the State in this Congress were Henry C Burnett, James S. Jackson, Henry Grider, Aaron Harding, Charles A. Wickliffe, George W. Dunlap, Robert Mallory, John J. Crittenden, William H. Wadsworth, and John W. Menzies.

His eloquence and his great popularity secured the triumph of the Union men in his district; and the great confidence the whole State reposed in him kept the State in the Union. Should Kentucky at that critical moment have cast her destiny with the South, who can calculate what might have been the result?"[1]

RECAPITULATION

Both Lincoln and Davis born in Kentucky.
Lincoln elected President of the United States, 1860.
His election objectionable to the South.
South Carolina and six other States secede.
Crittenden's compromise resolutions rejected by United States Senate.
Border States' compromise resolutions also rejected.
Crittenden's efforts for peace appreciated at home.
Speakers urge the people to be moderate in action.
The legislature meets in called session.
The governor's message.
He recommends calling a State convention.
Democrats generally desire this step.
Views of Vice President Breckinridge on the subject.
He earnestly advocates holding such a convention.
It would enable the State to decide her course toward the war.
Union party strongly oppose calling a State convention.
They fear the State might thus be led to secede.
Legislature decides not to hold a State convention.
Legislature addressed on the condition of the country.
J. J. Crittenden speaks from the Union point of view.
J. C. Breckinridge speaks from the Democratic point of view.
Peace conference at Washington accomplishes nothing.
The crisis approaching.
The Confederate States of America formed.
Jefferson Davis chosen President.
Lincoln inaugurated President of the United States.
Confederates fire upon Fort Sumter, South Carolina.
Major Robert Anderson, U.S.A., in command.
Federals obliged to abandon the fort.
President Lincoln makes proclamation for troops.
Confederate States also request troops.
Governor Magoffin declines both requests.

[1] W. B. Kinkead in an article on John J. Crittenden in the *New York Sun*.

Union men strive to hold Kentucky neutral for a time.

Crittenden recommends an independent course.

He shows that Kentucky had no part in bringing on the war.

He urges the people not to rush into the contest, but to remain peacemakers, true to the Union.

Union meetings held in various localities.

All recommend the same course.

Kentucky much attached to the Union.

Generally opposed to war.

Does not intend just yet to enter the war on the Federal side.

More chance of her supporting the Confederate cause.

It appeals to the sympathy of the young men of the State.

Conservative Union men and Democrats widely differ on one point.

Democrats believe that a State has a right to secede.

Second called session of legislature.

Southern Rights element in the majority at first.

Conservative Union men make a strong fight.

Several Democrats come to their aid.

Mediatorial neutrality carried.

This was a plea to the Federal government to postpone raising troops in the State while further efforts for peace were made.

Above all it meant a decision for the Union.

The State armed for her own protection.

Special election of Congressmen held.

Crittenden helps to secure the Union victory.

CHAPTER XVI

THE INVASION OF KENTUCKY, JULY 1861–APRIL 1862

Had the other States followed Kentucky's example of forbearance, there would have been no war. But perhaps war was necessary. Perhaps it was the only means by which the abolition of slavery could be accomplished. Of course it was impossible for Kentucky to make peace, and equally impossible for her to remain apart from the combat.

Beginning of the tragedy

Union Soldier

Outside the borders of the State, at Camp Clay opposite Newport, and Camp Joe Holt opposite Louisville, Federal regiments were being recruited, and thither in the summer of 1861 hastened many Unionists of the State. Many dissatisfied Secessionists assembled at Camp Boone near Clarksville, Tennessee, where Confederate troops were being enlisted. And thus began the tragedy in Kentucky! Most of the other States went solidly with one side or the other; but Kentucky was divided against herself! Fathers differed from sons, and went forth to fight against them. Brothers parted from brothers, friends from friends. Ah, the awful anguish of it all!

On the soil of Kentucky itself Federal forces were organized at Camp Dick Robinson, in Garrard County, by General William Nelson. General Humphrey Marshall had a recruiting camp in Owen County, thirty miles from the capital, where Confederate forces were organized. In other parts of the State, Confederate troops were raised by Colonel Blanton Duncan. And still, the State's neutral position was not yet officially abandoned.

Federal and Confederate forces organized in Kentucky

Confederate Soldier

On the 20th of May, 1861, the definite Confederate government was organized at Richmond, Virginia. In that State, on the 21st of July, the first great battle of the war was fought along the banks of Bull Run stream, not far from Manassas Junction. The result was defeat to the Federals, and a general rout and flight of their forces. Hope was inspired in the hearts of the Confederates; but the Federals fought with renewed energy. Each side watched Kentucky with interest. The August elections came off, and the State voted overwhelmingly in favor of the Unionists. Seventy-six Union to twenty-four State Rights members were elected to the House; twenty-seven to eleven, to the Senate. The newly elected legislature assembled September 2, 1861.

Kentucky is Union

The day following, by an almost simultaneous move upon Kentucky, the State was invaded by Confederate forces at two different points. Major General Leonidas

Polk, of Tennessee, occupied and fortified a strong position at Hickman and Columbus, in the southwest, and General Zollicoffer established troops near Cumberland Gap, in the southeast. Whereupon, on the 5th, a Federal army of several thousand strong, under an order from Brigadier General U. S. Grant, entered Kentucky and took its position at Paducah. The legislature promptly ordered that the flag of the United States be hoisted on the capitol, to proclaim Kentucky's Union attitude.

Confederates invade Kentucky

General Polk notified Governor Magoffin that he would withdraw his troops provided the Union troops were simultaneously withdrawn; and offered the further guarantee that Confederate troops should remain out of the State provided Federal troops should not be allowed to enter or occupy any point in Kentucky in the future. Now the Union people disapproved of the condition thus laid down by General Polk.[1] On the 11th, the legislature passed resolutions to the effect that Kentucky expected the Confederate troops to withdraw from her soil unconditionally. The governor, who was opposed to the Union policy, and in sympathy with the Confederacy, vetoed the resolution, but it was passed immediately over his veto.

Legislature orders withdrawal of Confederates

As the Confederate forces refused to comply with this order, on September 18, the State, in her General Assembly, abandoned the neutrality position, and declared herself an active supporter of the Federal government. Resolutions were introduced and carried: (1) to request General Robert Anderson, who had already been appointed commander of the Department

Neutrality position abandoned

[1] See p. 168, the meaning of mediatorial neutrality.

of the Cumberland, which included Kentucky, to take instant command, with authority to call out the volunteer force of the Commonwealth for the purpose of expelling the invaders from the soil; (2) to protect all peaceable citizens while this necessary duty was being performed; (3) to request the governor to give all the aid in his power to accomplish this end, and to call out the militia force of the State under his control, and place it under the command of General Thomas L. Crittenden; (4) to invoke the patriotism and aid of every Kentuckian for the defense of the Commonwealth. Again the governor used his right of veto, and again the legislature disregarded his act. Several days later, a bill was passed, — notwithstanding the usual veto, — directing the governor to call out not less than forty thousand Kentuckians to be placed under the authority of the commanding general, to aid in expelling the invaders.

Robert Anderson

The State Guard

The State Guard, who had been armed and equipped by the State for her own use and protection, laid down their arms in some instances, and in others carried them with them, and went almost in a body into the ranks of the Confederacy, whither their principles

or sympathy led them. On September 18, their leader, Brigadier General Simon B. Buckner, was ordered to invade Kentucky and to fortify a central camp at Bowling Green. This point became, for a time, the headquarters of the Confederate Army of the West, then placed under the command of General Albert Sidney Johnston, a Kentuckian by birth.

Thomas L. Crittenden

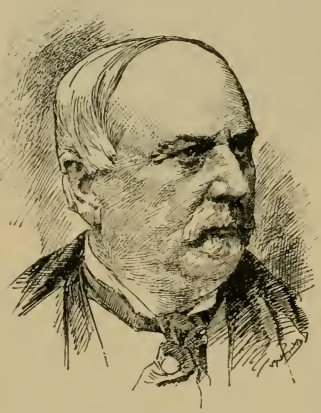
As early as July, General Lloyd Tilghman, a resident of Paducah, had resigned his position in the State Guard, and at the head of the third Kentucky regiment of infantry, had joined the Confederate army. Paducah was intensely Southern, and most of the young men of the city, previously members of the State Guard, went with Tilghman. From the force of the State Guard, also, went John Hunt Morgan, then captain of the Lexington Rifles, to become the famous Kentucky cavalry raider, — General Morgan of the Confederacy. By some daring stratagem, he succeeded in evading the Federal authorities, and leading most of his company, all carrying their arms with them, he reached Bowling Green a few days after General Buckner had taken his station there.

On the contrary, the Home Guards were nearly all supporters of the Federal government. But they were a

body of undisciplined troops who were not always wise in their conduct. Arrests of innocent persons were frequently made by them, and thereby wrath was awakened among the Southern sympathizers against the Union policy the State had adopted.

The Home Guard

The legislature heartily condemned all such unjustifiable arrests, and General Anderson, who was always fair as well as brave, issued a proclamation of protection to the people. It was to the effect that no Kentuckian should be arrested unless he took part, either by action or speech, against the authorities of the general or State government, held correspondence with, or gave aid or assistance to, the enemy.



William Preston

Under a construction of this order of the commanding general, a number of arrests were made of men who, by their position, were able to give efficient aid to the Confederate cause. James B. Clay was arrested for this reason, as were also Reuben T. Durrett, editor of the *Louisville Courier*, and ex-Governor Charles S. Morehead, who were sent to political prisons in the East. The judge of Harrison County and other officers of that court were arrested and sent to the United States barracks at Newport. Every effort was put forth to constrain the citizens to submit to the Union policy which the State had adopted.

Prominent Confederates arrested

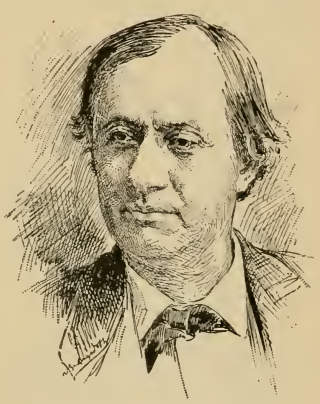
The State was being rapidly divested of her South-

ern sympathizers among the soldiers. During the last week of September, nearly one thousand Kentuckians passed into Virginia, to join the Southern forces. John C. Breckinridge left his seat in the United States Senate to become brigadier general in the Confederate army. Other notable leaders of Confederate volunteers were Roger W. Hanson, Ben Hardin Helm, George W. Johnson, Humphrey Marshall, William Preston, and John S. Williams.

Confederate leaders

Meanwhile the State was gathering loyal soldiers for the Federal service. It is difficult to estimate the exact numbers furnished to the Confederate side; but it may be generally stated that about three times as many of the inhabitants of the Commonwealth went into the Federal army as into the Confederate. Nevertheless, many mothers and aged fathers who remained at home awaited in anguish and suspense the tidings from the opposing armies, each of which contained dearly loved members of their divided families.

Divided households



Bland Ballard

The departure of the Confederates left vacant a number of State offices. John W. Finnel, an efficient Union member of the legislature, was appointed adjutant general, in the place of Scott Brown, and William A. Dudley quartermaster general, in the place of M. D. West, who had followed his associate into the Southern army. Bland Ballard was appointed United

Important official changes

States district judge, that honorable position having been vacated by its holder, Thomas B. Monroe. John C. Breckinridge was deprived of his seat in the United States Senate, and Garrett Davis was chosen by the legislature to succeed him.

Previous to the 21st of October, only insignificant skirmishes had taken place on Kentucky soil; but on that day occurred quite a desperate encounter at Camp Wild Cat, in the Rockcastle hills. The Federal troops were commanded by Colonel T. T. Garrard; the Confederate, by Brigadier General Zollicoffer. The Confederates were outnumbered, and in spite of the efforts of their able commander, were forced to retreat. Shortly afterward, not far away, at Ivy Mountain, in Pike County, a similar victory was gained by Federal troops under General William Nelson.

First battles in Kentucky

William Nelson

On the 18th of November, there occurred a unique event. Delegates, elected by the dissatisfied minority of the State, assembled at Russellville, in Logan County, and formed what they called a provisional government for Kentucky. George W. Johnson was chosen governor, and a full corps of State officials was also elected. Bowling Green was selected as the new seat of government. Henry C. Burnett, sometime representative in the United States Congress,

Confederate government of Kentucky

William Preston, and William E. Simms were sent as delegates to Richmond, Virginia, and on the 10th of December, the government there established went through the form of admitting Kentucky into the Confederate States. This little episode had small effect, however, upon the even tenor of Kentucky's real administration. Soon the principal actors in it themselves left their visionary posts, to enter into the serious events of Southern warfare.

On November 13, Brigadier General Don Carlos Buell succeeded to the command of the department which included Kentucky. Early the following month, he had organized at Louisville for the Union army about sixty thousand soldiers. The Confederates held a long military line from Cumberland Gap into Arkansas and Missouri. They had strong fortifications on the Cumberland, Tennessee, and Mississippi rivers. They had been greatly discouraged by Kentucky's unwavering efforts for the Union; but they still hoped to gain possession of the State. On January 19, 1862, General George B. Crittenden, commanding a Confederate force of about five thousand infantry, came upon the advancing Federal army, commanded by Major General George H. Thomas, under whom were Colonels Speed Smith Fry and Frank L. Wolford, at Mill Springs, in Pulaski County. The Confederate attack was led by General Zollicoffer, who was killed after a few hours' hard fighting. The Federal force, which at the outset was somewhat less than that of the enemy, was about this time reënforced. The Confederates were thrown into confusion and driven to retreat into Tennessee. This was

Buell in command

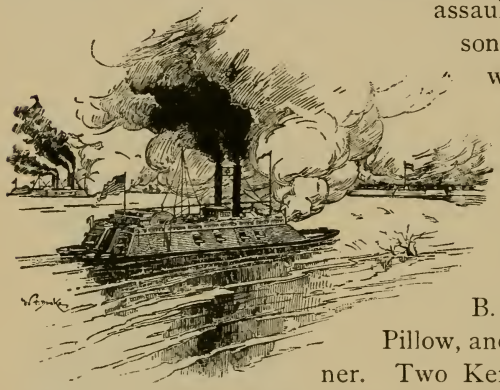
Don Carlos Buell

Significant Federal victory in Kentucky

the first of the important victories which led to the evacuation of the State.

Another discouraging defeat to the Confederates was soon to follow. On the 6th of February, General Lloyd Tilghman, in command of the Confederate Fort Henry, on the Tennessee River, was compelled to surrender to General Grant. On the 12th of the month, General Grant began his celebrated assault on Fort Donelson, on the southwest bank of the Cumberland River. The Confederate troops were commanded by Generals John B. Floyd, Gideon J. Pillow, and Simon B. Buckner. Two Kentucky regiments were engaged on each side: Colonel John H. McHenry's and Colonel James M. Shackleford's, on the Federal; Colonel Roger W. Hanson's and Colonel H. B. Lyon's, on the Confederate. The terrible carnage lasted nearly five days, during bitterly cold weather, rain, and sleet. On the night of the 15th, Generals Floyd and Pillow escaped with portions of their brigades. On the 16th, General Buckner proposed terms of capitulation, but General Grant demanded and obtained an unconditional surrender.

Fall of Forts Henry and Donelson



Bombardment of Fort Henry

On the 14th, before the fate of Donelson was definitely decided, the Confederates abandoned Bowling Green. On the 27th, Columbus was also evacuated. Federal troops

under the chief command of General Buell—114,000 men—were meanwhile pressing southward. On the 25th of February, they took possession of Nashville, Tennessee.

Kentucky evacuated by the Confederates

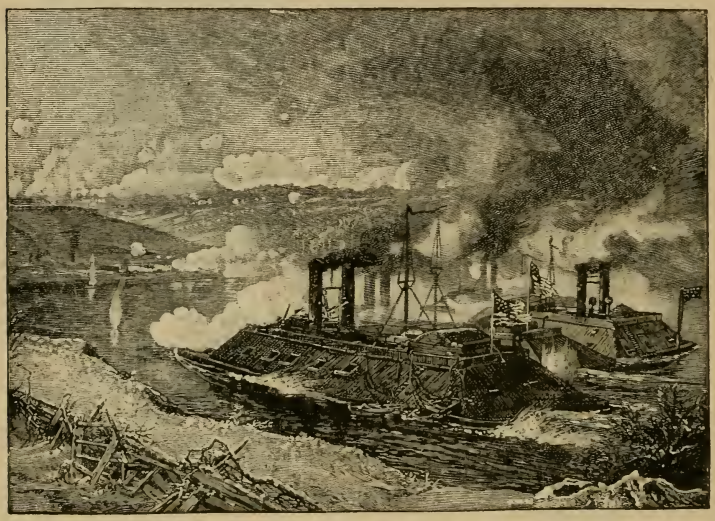
The retreating Confederates passed through Nashville before the advance of the Federals. General Albert Sidney Johnston reorganized his army at Murfreesboro, and having been reënforced by General Beauregard, again moved southward to Corinth, Mississippi. General Grant pushed his forces in a parallel direction and established his camp at Pittsburg Landing, near Shiloh Church, on the Tennessee River. The engagement which occurred there on the morning of the 6th of April, although desired by the Union army, was hastened by the wisdom of the Confederate commander. The battle of Shiloh was one of the most terrible in the war. The fighting continued for two days. At the close of the first day the Federals were driven in disorder to the river, and it seemed as though victory were with the Confeder-

Battle of Shiloh

Lloyd Tilghman

Albert Sidney Johnston

ates, although their commander, General Johnston, had fallen with a mortal wound. But in the night General Grant was reënforced by General Buell with twenty thousand men. After a rushing march of twenty-five miles,



Attack on Fort Donelson

General Buell reached the field in time to turn the victory to the Federals. But the loss of life was very great, and the Kentucky regiments suffered more than their proportion.

RECAPITULATION

Kentucky's futile efforts for peace.
It was impossible for her to remain apart from the war.
Kentucky Federals and Confederates recruited outside the State.
Kentucky's tragic situation.
Federals and Confederates organized within the State.
The neutrality position not yet abandoned.
Confederate victory in the battle of Bull Run.

Conservative Union party carries the State elections of 1861.
The newly elected legislature assembles September 2.
Confederates invade the State on the 3d.
General Polk establishes troops in the southwest; General Zollicoffer, in the southeast.
Legislature orders withdrawal of the Confederates.
General Polk refuses unless Federal troops are also withdrawn.
Legislature demands an unconditional withdrawal.
Neutrality abandoned, September 18.
Kentucky declares herself actively for the Union.
Robert Anderson appointed commander of Kentucky department of war.
T. L. Crittenden, commander of Kentucky militia.
Other important resolutions passed by the legislature.
State Guard joins the Confederate army.
Young men from Paducah follow General Lloyd Tilghman.
General S. B. Buckner invades Kentucky, September 18.
Bowling Green the Confederate headquarters for a time.
The Confederate general John Hunt Morgan.
The Home Guard almost entirely Union.
A body of undisciplined troops.
Cause trouble by making unlawful arrests.
Prominent Confederates arrested.
Efforts to constrain the citizens to submit to the Union policy.
Many Kentuckians join the Confederate army.
Notable Confederate leaders.
About three times as many join the Federal army.
The households of the State are divided.
A number of civil offices left vacant by Confederates.
First battles in Kentucky.
Federal victories at Camp Wild Cat and Ivy Mountain.
Confederates meet at Russellville, Logan County.
Frame a provisional government for Kentucky.
George W. Johnson chosen their governor.
Don Carlos Buell commander of Kentucky Department.
Sixty thousand Federal troops organized at Louisville.
Battle of Mill Springs, Pulaski County.
Federals gain a significant victory.
Fall of Confederate Forts Henry and Donelson.
Kentucky evacuated,
One hundred and fourteen thousand Federal troops pressing southward.
Nashville taken possession of.
Another Federal victory in the battle of Shiloh.
General Buell's part in the battle.

CHAPTER XVII

THE SECOND INVASION OF KENTUCKY, APRIL-DEC., 1862

THE Conservative Union people of Kentucky loved the Union and the constitution above all property considerations, sacrificing for it kindred and ties of sympathy, and life itself. Very many of them were large slave owners, and they relied upon the protection which the constitution of the United States gave to their slave property. Many who regretted the existence of such property, as well as those who approved it, were agreed in maintaining that the government had no right to interfere with it. During all the early months of that time of trial they clung — with a trust that refused to see the tendency of the issue — to the belief that the government did not intend to invade the rights of the South; that its sole object was to suppress the rebellion, and then to restore the Union and the constitution. But all the while events were steadily pressing towards the abolition of slavery. In April, 1862, the first step in this direction was taken by Congress abolishing slavery in the District of Columbia. The venerable John J. Crittenden made one of his last great efforts to defeat this measure, as did other of the statesmen of Kentucky,— Aaron Harding and William Henry Wadsworth, in the House of Representatives, and Garrett Davis in the Senate.

Congress actively favors abolition

An antagonism was therefore spreading throughout

the State to the Federal authorities at Washington. This was greatly increased by the military policy which was now adopted. On June 1, 1862, Kentucky was placed under martial law. Brigadier General Jeremiah Tilford Boyle was made military commandant. Provost marshals were appointed in every county. Any one suspected of aiding or abetting the Confederacy was arrested and compelled to subscribe to an oath of allegiance to the government of the United States before he was discharged. The printed formula of the oath stated that its violation was death.

Kentucky adverse to this course

Jeremiah T. Boyle

For some time the lives and property of loyal citizens had been disturbed by lawless bands of men called guerrillas. The guerrillas were mostly soldiers who had broken away from the ranks of the Confederacy,—wild, reckless men, who had been made inhuman by some injury they or their families had suffered from Federal soldiers or authorities. They banded themselves together and dashed through the country, wreaking their vengeance upon the innocent victims in the Commonwealth. Now the order went forth that whenever such depredations should hereafter occur, the Confederate sympathizers in

Martial law offensive

the neighborhood where the offenses were committed should be held responsible and made to pay the damages. Although these raids were exceedingly harassing, the measures employed for their suppression were most objectionable to the Kentuckians generally. However, General Boyle endeavored to execute the severe orders of the secretary of war with as much leniency as possible.

John Hunt Morgan

Meanwhile, an excitement of a very practical nature had been created in the State. Exaggerated reports were spreading wildly, concerning General John Hunt Morgan, who with his Confederate cavalry had entered Monroe County early in July on his first Kentucky raid. This daring leader of a few hundred men did most effective service to the Confederate cause. The methods he employed required quick wits and coolness of action.

Morgan, the Confederate cavalry raider

At Tompkinsville he defeated two hundred and fifty Federal cavalry, and then moved northward, following the line of the Louisville and Nashville railroad, through Glasgow, to Bear Wallow. There an expert operator on his staff tapped the telegraph wire and, on the ground that all things are fair in war, sent false dispatches concerning Morgan's numbers and movements, and also received information in regard to the Federal plans. The telegraph was frequently employed in this manner, and the Federal officers were much mystified and alarmed.

Along the line of Morgan's march, railroads were de-

stroyed, supply trains were captured, and horses were seized for the use of the Confederacy. At Cynthiana, quite a severe contest occurred. A Federal force of nearly five hundred, under Colonel John J. Landrum, was captured, after a resistance of nearly two hours. Being pursued by General Green Clay Smith and Colonel Frank L. Wolford, with a Federal force somewhat superior in numbers to his own, Morgan hastened southward, capturing several towns on his way, and destroying government stores. He traveled over one thousand miles in twenty-four days, fought repeatedly, and lost only about ninety of his men.

It is noteworthy that in this time of intense excitement a change in the highest civil office of the Commonwealth was made in an altogether dispassionate and rather unique manner. The governor, a Southern sympathizer, had been out of accord with the rest of the administration. He indicated his desire to resign, provided his successor should be agreeable to him. The lieutenant governor, Linn Boyd, having died, the president of the Senate, John F. Fisk (to whom the governor was inimical) would have become governor upon the vacation of the office. That gentleman, perceiving the situation, consented to resign his position. James F. Robinson, a harmonizing member of the Union element, was elected speaker. Governor Magoffin resigned, and Speaker Robinson became acting governor. Whereupon, the Honorable John F. Fisk was reëlected to his former office.

Orderly change in the State administration

Morgan's bold ride through the State was but a preparation for the military disturbance which was now anticipated. Since the battle of Shiloh there had been organizing at Chattanooga a force of more than forty thousand Confederates, under the chief command of General Braxton Bragg, for the invasion of

General E. Kirby Smith's invasion

Kentucky, and especially for the capture of Louisville and Cincinnati. General Buell, the department commander, did not anticipate this move. He held his troops between Murfreesboro and Nashville, expecting an attack in central Tennessee. During the last week in August, General E. Kirby Smith, with about one third of this Confederate army, entered Kentucky at Big Creek Gap and moved on towards Richmond, where the only organized force of the State was stationed,— two brigades of seven or eight thousand, mainly undisciplined troops from Ohio and Indiana, under the command of General William Nelson.

Skirmishing began on the 29th between the advance of both armies. General Nelson was absent from headquarters. General Manson of Indiana (the officer next in command), believing he should encounter only one of the raiding parties then numerous in the State, pushed on the next morning with his one brigade and gave attack to the whole of General Smith's army. The Federals held their own for several hours, but were finally overcome and driven back in wild confusion towards Richmond.

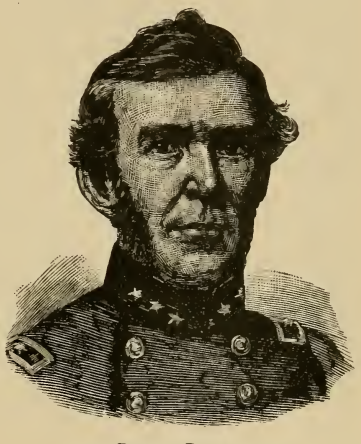
Battle of Richmond

After a furious ride, General Nelson reached the scene of disorder. Raging and desperate, he vainly tried to rally his forces. One of his own officers called to his men to scatter and run, and the infuriated Nelson drew his sword and cut him to the ground. But he had arrived too late. The victorious Confederates moved on to Lexington, where several days later they were joined by Morgan's Confederate cavalry.

On Sunday night the legislature met and adjourned to Louisville (according to a provision which had been passed for such an emergency), carrying the archives of the State thither for protection.

While Kirby Smith impatiently awaited the orders of General Bragg, that officer, with the main army, was making his slow march into Kentucky. By way of misleading Buell, Bragg first moved westward to Nashville, and when he reached Glasgow, in Barren County, he had lost at least ten days. Sixteen more days were consumed in a march to Lexington. Meanwhile Buell had outreached him, and with an army now numbering one hundred thousand men, had entered Louisville on September 25. The conditions of the two armies were reversed. The Federals had a most decided advantage. Western troops had hastened to the defense of Cincinnati. The Federal General Lew Wallace was in command. All chance of the Confederates capturing that city and Louisville was lost.

Bragg and Buell's contest for Kentucky



Braxton Bragg

On October 1, Buell moved out of Louisville to give attack to the Confederates. A detachment was sent toward Frankfort, while the main army followed a southeastward course. Instead of vigorously grasping the situation, Bragg tarried at the capital, where the Confederates went through the vain ceremony of inaugurating Richard Hawes provisional governor of Kentucky, in the place of George W. Johnson, who had fallen at Shiloh. The act was hardly completed when the advance guard of Buell's army reached the town. Governor Hawes hastened to

Lexington, and the provisional government of Kentucky vanished, never to reappear.

Battle of Perryville

The two armies came together near Perryville, in Boyle County, on October 8. There was fought one of the severest contests of the war: a battle terrible in loss of valuable lives on both sides, and yet undecisive in result. Of the twenty-five thousand Federals and fifteen thousand Confederates engaged in it, at least seven thousand fell in the few hours the fighting continued between noon and twilight. The immediate commander of the Federal force was Major General Alexander McCook; of the Confederate, Major General William J. Hardee. Nearly half of the Confederate army was at Frankfort, while the Federals had heavy reënforcements (Major General Thomas L. Crittenden's corps) within summoning distance. The battle was brought on through a misunderstanding on the part of the Confederates, who believed they were attacking only a detachment of the Federal force. General Buell, who expected an engagement the next day, was some distance away and was not informed of what was taking place before the battle was half over. And then, through a misunderstanding on his part of the true situation, — supposing Bragg's entire army was engaged, — he determined not to press the action further until the morning.

Failure of Confederates to secure Kentucky

But on the morrow Bragg had withdrawn his forces and begun his retreat from Kentucky. At Harrodsburg he was joined by General Smith's corps. With wise caution, Buell refrained from bringing on an engagement with the Confederates. Only skirmishes took place. No other definite battle occurred; and Bragg escaped from the State, having made a failure of his whole campaign. After this, fighting on a large

scale was practically ended in Kentucky. Again and again Morgan's "wild riders" spread terror throughout the State, and repeated skirmishes occurred in various localities; but no other Confederate effort was made to secure Kentucky.

Morgan's Wild Riders

The soldiers of Kentucky were now to be engaged in many of the great battles of the South. They took part at Murfreesboro, Chickamauga, Missionary Ridge, Lookout Mountain, Kenesaw Mountain, Vicksburg, etc.; and everywhere, on both sides, they were conspicuous for their courage and power of endurance. They were all volunteers, and belonged to the best families of the Commonwealth, — strong, tall men, un-

The soldiers of Kentucky

equaled in size by any other troops of the United States, with the exception of those of Tennessee.

The Confederate army continued to receive recruits from Kentucky until the end of the war. Though it is impossible to state precisely the number given to that service, it has been fairly estimated as over forty thousand. It is possible to be more exact in regard to the Federal numbers. According to the estimates of the adjutant generals, before the close of the war the State had given to the Federal service upwards of one hundred thousand white men, — nearly one tenth of the entire population. Besides this, eleven thousand negroes were enlisted for the United States army.

RECAPITULATION

Love of Kentucky Conservatives for the Union.
Their trust that the constitution would be restored after the war.
Belief that the government did not intend to destroy the institutions of the South.
The first step in the revolution taken.
Slavery abolished in the District of Columbia by Congress.
Kentucky statesmen vainly try to defeat the measure.
The State excited against the Federal government.
Martial law enforced, June, 1862.
General J. T. Boyle military commandant.
Provost marshals appointed in every county.
Terrible raids of outlaws called guerrillas.
Severe measures enforced to suppress guerrillas.
Morgan's first Kentucky raid.
His quick wits and bold methods.
His victory in the battle of Cynthiana.
His effective service to the Confederacy.
The State administration mainly Conservative Union.
Governor Magoffin, a Southern Rights man, resigns.
His successor chosen in a unique manner.
James F. Robinson, Conservative, becomes governor.
Over 40,000 Confederates organized at Chattanooga.
General Braxton Bragg in chief command.
The invasion of Kentucky proposed.
The State invaded by E. Kirby Smith with one third of this army.
The only organized force of the State at Richmond.

General William Nelson, Federal, in command.
Confederate victory in the battle of Richmond.
They triumphantly enter Lexington.
Are joined by Morgan's Confederate cavalry.
The legislature adjourns to Louisville.
Bragg's dilatory march to Kentucky.
Buell reaches the State first.
Takes possession of Louisville.
Federals also in possession of Cincinnati.
Buell has the advantage of Bragg.
Bragg's army inaugurates a governor at Frankfort.
The two armies meet at Perryville.
A terrible engagement.
An indecisive result.
Fighting ends at twilight.
Buell proposes to continue the action on the morrow.
Bragg withdraws his forces the next day.
Buell refrains from bringing on another encounter.
Bragg, joined by General Smith, escapes from the State.
War practically at an end in Kentucky.
Kentucky soldiers in the great battles of the South.
Their courage and conspicuous size.
Numbers furnished by the State to each side.

CHAPTER XVIII

CIVIL CONFLICTS, 1863–1865

THE opposition in Kentucky to the Lincoln administration rose to a high tide when on January 1, 1863, the President issued his Emancipation Proclamation, liberating the slaves in the seceding States. Kentucky, being loyal, was not immediately concerned; but the proclamation was deemed a violation of the constitution of the United States.

Kentucky opposed to Lincoln's policy

President Lincoln had been elected under a policy which declared that all the people in the seceded States had to do was to lay down their arms and return to their allegiance to the Union, and that then they would be protected in all their rights by the constitution. As the war progressed, it seemed necessary to the President to depart from this policy. But the people of Kentucky, at that exciting time, could not perceive as we do to-day the destiny which urged Lincoln on to mighty deeds.

The Radical or Unconditional Union element in the State alone upheld the administration; but the controlling power was still the Conservative Union, or Union Democratic party, as it was now called. Their ticket was victorious at the August election. Thomas Elliot Bramlette and Richard T. Jacob, both Federal officers, were chosen respectively governor and lieutenant governor. Although there was hardly a possibility of the Union ticket being defeated, the most arbitrary means

Opposition increased

were enforced to secure its success. The military officers of the State were controlled by orders from the War Department in Washington. Prior to the election, martial law was declared. The polls were guarded by soldiers, and no disloyal person was allowed to vote. The Kentuckians very generally resented this interference of the military rulers with their civil government.

In the autumn of 1863, President Lincoln called for three hundred thousand more men to prosecute the war. Kentucky's quota was twelve thousand seven hundred and one. Early in January, 1864, the Federal government began recruiting in the State negro regiments for the United States army. Now the people of Kentucky had ever been true to the Union. No call for men and money had been made upon them that was not promptly met. They were gallant soldiers, proud of their military record. The negroes were their slaves. To arm these slaves and place them by their side in battle seemed to them at that time a degradation to themselves and to that high calling for which they had volunteered their lives. What we name race prejudice to-day was, at that time, an almost unconquerable feeling.

Negro soldiers enrolled

Drilling Negro Recruits

Opposition to this measure and to the men who controlled the Federal government burst forth in denunciatory speeches within the State and in Congress. At Lexington, the daring Federal cavalry raider, Colonel Frank L. Wolford, with his picturesque, untutored eloquence, roused the people to revolt from the idea of "keeping step to the music of the Union alongside of negro soldiers"; and for his defiance was arrested and imprisoned. Lieutenant Governor Jacob also denounced the methods of the administration, and likewise suffered arrest. In Congress, Aaron Harding spoke ably on the same subject, and William Henry Wadsworth made a speech which increased Kentucky's claim to orators.

Indignation of Kentucky

Early in January, 1864, General Boyle resigned the position of military commandant of Kentucky. He had striven to fulfill his trying duties as a Christian gentleman; and his resignation was a misfortune to the Kentuckians. For the next two years the people were harassed by a series of military rulers who were regarded at the time as nothing less than tyrannical. In February, Major General Steven G. Burbridge was appointed commander of the department of Kentucky. He belonged to the extreme Radical wing of the Union party in his State, and he met the situation in Kentucky in what seemed a harsh and unrelenting manner.

Military oppression

The terrible guerrilla raids, alike condemned by honorable Confederates and Federals, became exasperatingly frequent during the last years of the war. Scarcely a county in the State escaped their depredations, and their leaders usually succeeded in evading the officers of the law. It was only after long months, when unnumbered crimes had been committed, that three of the most notorious leaders were captured; and then by

Notorious guerrillas

accident. Captain Billy Magruder, of a powerful gang, had been dangerously wounded. Two of his comrades, Henry Metcalf and "Sue Munday," — showing that spark of goodness which exists in all human beings, — had tarried by to nurse him. They were captured, and Munday, the most conspicuous of the three, was taken to Louisville and hung, although to the last he maintained his innocence of the crimes with which he was charged.

Meanwhile terror filled the hearts of the aged, and the women and children; for none were exempt from the guerrilla cruelties. The civil authorities of the Commonwealth made an earnest effort to suppress this evil, but they did not have the power which belonged to their offices. From now until the establishment of peace they were disturbed and enfeebled by unavoidable conflicts with the military rulers which the secretary of war placed over the State.

Civil and military conflicts

The new commanding officer, General Burbridge, assumed control of the State. The measures which he adopted to suppress the guerrillas were thought very generally to be as brutal as the acts of those outlaws themselves. He issued an order to the effect that whenever a citizen was killed by guerrillas, four military prisoners should be taken to the spot where the murder was committed, and hung in retaliation. These prisoners were supposed to be guerrillas, yet as has been stated, guerrillas were seldom captured. The victims were usually simply Confederate prisoners of war. Strong opposition to such measures was expressed throughout the State, but to no effect. In the western district, where Brigadier General E. A. Paine was in command, the military acts grew so oppressive — extending even to bold murder and robbery — that many peaceable citizens were obliged to abandon

their homes to escape a horrible fate. In several cases, even loyal men who had fought for the Union, were arrested by order of General Burbridge and sent outside of Kentucky, because they had expressed their opposition to the men in control of national affairs. But these were not all the grievances which the people of that day had to deplore. The Federal officers further encroached upon the civil powers by attempting to control the elections of the State.

George Robertson

In August, 1864, the election for judge of the court of appeals in the second district was to take place, as well as for some minor county and precinct officers. Judge Alvin Duvall, a Southern Rights man, was the Democratic candidate for re-election. The division in the Union party of the State, which has already been noted, was steadily becoming more pronounced. Mortimer M Benton, an eminent lawyer of Covington, was the nominee of the Radical wing of that party.

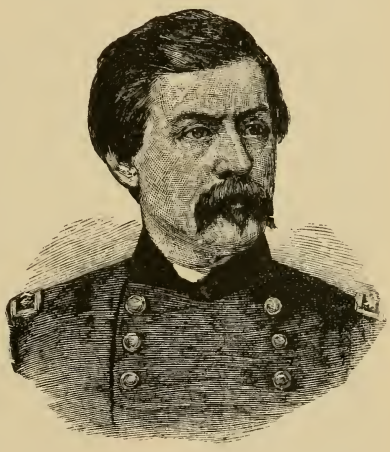
Victory of Conservative Union party

Several days before the election, General Burbridge ordered that the name of Alvin Duvall should not be allowed to appear on the poll books as a candidate. This interference of the military authorities with the civil government was not only insufferable, but altogether unnecessary. Kentucky was still a zealous Union State. There was no chance just yet of any Southern Rights

candidate being elected. The coast now seemed cleared for the election of the Radical candidate, Benton; but the Conservative Union men, in righteous resentment of General Burbridge's order, on the very morning of the election, telegraphed over the district the name of a new candidate, George Robertson, formerly chief justice, and he was elected.

George Robertson, who was one of the most competent judges in Kentucky, had always been on the Conservative side in politics. He had taken part in the interesting conflict between the Old Court and New Court parties, upholding the former faction. He had been a stanch Whig, and now he was a Conservative supporter of the Union. He stood prominent in the midst of such able lawyers as Madison C. Johnson, George Blackburn Kinkead, Thomas A. Marshall, and Aaron K. Woolly, of the Lexington bar, and Samuel Smith Nicholas, James Guthrie, and James Speed, of the Louisville bar.

George Robertson



George B. McClellan

The political state of Kentucky was most interesting at this time. The year 1864 was the year of the presidential election. Kentucky held three conventions to select delegates to the national conventions. The Unconditional Union, or Radical convention, was presided over by Robert J. Breckinridge, a

Action of the three parties

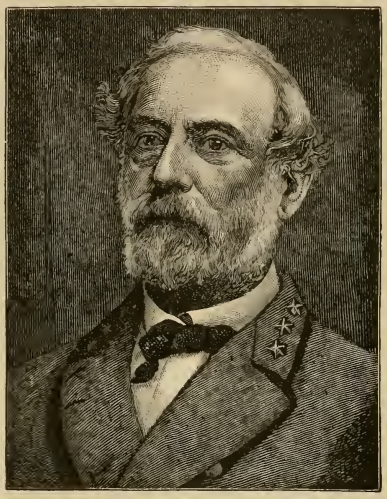
Presbyterian divine and political speaker, — a strong controlling spirit in his party. This convention indorsed the administration and voted for President Lincoln's reëlection. The Conservative Union, or Union Democratic, convention, of which James Guthrie was the leading spirit, boldly announced its opposition to Lincoln and declared for General George B. McClellan. The Democratic, or Southern Rights, convention was harmonious with the Conservative, and in favor of McClellan.

President Lincoln received the nomination on the basis of reëstablishment of the Union without slavery; General McClellan, of reëstablishment with slavery. Lincoln was elected November, 1864, by an overwhelming majority; but Kentucky gave a majority of over thirty-six thousand to McClellan. Peace was at hand. The State was becoming relieved of her military oppressors. Toward the end of the year, Paine was deprived of his office in the western district, and the following February General Burbridge was replaced by General Palmer, to the great satisfaction of the Kentuckians.

Ulysses S. Grant

End of the tragedy

On April 9, 1865, the Confederate General Robert E. Lee surrendered the Army of Northern Virginia to General U. S. Grant, at Appomattox Courthouse, Virginia.



Robert E. Lee

Five days later, Abraham Lincoln was assassinated at Ford's theater, in Washington. But he had finished his work. The cause for which he lost his life was established. In December, 1865, the Thirteenth Amendment to the Federal constitution — which declared that neither slavery nor involuntary servitude should any longer exist in the United States — was ratified by three fourths of the States and became a part of the constitution. Kentucky opposed the amendment.

RECAPITULATION

Lincoln departs from the policy he was elected under.

Issues the Emancipation Proclamation, January 1, 1863.

Radical Union party of Kentucky approves his course.

Conservative Union party denounces it.

Conservative Union party the controlling power.

Colonels T. E. Bramlette and R. T. Jacob, Conservatives, elected governor and lieutenant governor, August, 1863.

Martial law enforced during the election.

Negro soldiers first recruited in the State, January, 1864.

Jacob and Wolford denounce the administration on this account.

They are arrested and banished.
General Boyle resigns his office.
S. G. Burbridge, a Radical Union man, appointed commander of Kentucky military department.
The beginning of harassing situations.
The State's civil rulers are Conservative.
The military rulers are Radical.
They are in conflict until peace is established.
Munday, Magruder, and Metcalf, notorious guerrillas.
Many crimes committed by them and other guerrillas.
Confederate prisoners of war hung in retaliation.
General E. A. Paine's course in the western district.
The military attempt to control elections.
Judge Alvin Duvall, a Southern Rights man, candidate for reëlection to court of appeals.
Military forbid his name to appear on the poll books.
Efforts of the military to elect the Radical candidate.
Defeated by the prompt action of the Conservatives.
George Robertson, Conservative, elected.
Conservative Union, Radical Union, and Democratic conventions held.
The Radical Union convention for Lincoln.
Conservatives and Democrats support McClellan for President.
President Lincoln reëlected.
Kentucky's large vote for McClellan.
General Burbridge replaced by General Palmer.
Kentucky rejoices over Palmer's appointment.
Paine removed in the western district.
Peace at hand.
Lee surrenders at Appomattox Courthouse.
Abraham Lincoln assassinated.
The Thirteenth Amendment passed.
Slavery abolished in the United States, December, 1865.

V — THE NEW KENTUCKY, SINCE 1865

CHAPTER XIX

THE RESTORATION OF PEACE, 1865–1875

On December 18, 1865, the Conservative majority in the legislature passed resolutions of general pardon to all citizens who had fought for the Confederacy. As the Confederate soldiers returned to their old places, the Conservative men, who still had control of the State, stretched forth their hands in welcome, with a promise to forget the differences which had separated them in past issues, in the hope that the good men of all parties would unite with them for the restoration of peace.

Return of the Confederates

But in this they were disappointed. The Confederate soldiers had just suffered defeat. They believed that the support which the Conservative men caused the State to give to the Union was an important factor in that defeat. Therefore, they had little desire for party harmony with those men. Also, the people in general, who had stayed at home and taken no active part in the war, had suffered so much from the military rulers which the Republican party had placed over the State, that they felt a temporary hostility towards Union principles. Even a portion of the old Conservative element went over into the more extreme position of the

Powerful Democratic organization

Democrats. Thus, when the Democratic State convention met at Frankfort, February 22, 1867, to select nominees for the pending August elections, it showed a large and powerful body. At the other extreme stood the Radical, or Republican, party, which had steadily, though slowly, increased in the State, and at this time received also a portion of the Conservative force. This party put forth a ticket headed by S. M. Barnes and R. T. Baker.

William B. Kinkead

The men who still adhered to the Conservative doctrine organized in Louisville in the spring of 1867 and nominated W. B. Kinkead for governor, Harrison Taylor for lieutenant governor, John M. Harlan for attorney-general, J. S. Hurt for auditor, Alfred Allen for treasurer, J. J. Craddock for register, and B. M. Harney for superintendent of public instruction. They had no hope of carrying the election. Their purpose in presenting a ticket was the opportunity thereby gained of making known their principles. Their work was finished. They soon dissolved as an organization and passed mainly into the Democratic party. A few, however, went with the Republicans. Distinguished among these were C. F.

Downfall of the Conservative party

Burnam, John M. Harlan, James Speed, and William Henry Wadsworth, who received high national appointments.

The Democratic ticket was composed of John L. Helm for governor, John W. Stevenson for lieutenant governor, John Rodman for attorney-general, D. Howard Smith for auditor, J. W. Tate for treasurer, J. A. Dawson for register, and Z. F. Smith for superintendent of public instruction. The Democratic candidates were elected by an enormous majority, and the politics of the State was settled for many years to come. Until the present day this party has had almost undisputed power. Only Democrats of Southern sympathies were elected to Congress, with one exception. Major George M. Adams, a Federal soldier, who had now joined the Democratic party, received the election in the 8th district; and for some time he alone was allowed to take his seat in Congress.

Democratic triumph

William H. Wadsworth

On September 3, 1867, John L. Helm received the oath of inauguration as governor, while lying dangerously ill at his home in Elizabethtown. Five days later he died, and John W. Stevenson, the lieutenant governor, became acting governor until the following August, when he was elected governor. Governor Stevenson was a man eminently fitted for the position to which

John W. Stevenson

he was called. He was a lawyer, and at the Covington bar had gained the reputation of exceptional ability. By this time Kentucky was in a state of financial prosperity and comparative peace, though law and order were not yet firmly established.

John W. Stevenson

One of the causes of the disturbance of the peace was the establishment in the State, in the year 1865, of agencies of the Freedmen's Bureau. In March, 1865, Congress had passed an act setting free the wives and children of negro soldiers. This was prior to the adoption of the Thirteenth Amendment to the Federal constitution, which declared that slavery should no longer exist in the United States. We have seen that the emancipation act of 1863 did not practically affect Kentucky, which was a loyal State; but the agents of the Freedmen's Bureau attempted to enforce this law in Kentucky. They demanded money for the services of the wives and children of negroes who had been enlisted in the United States army. The proceeding was deemed unconstitutional, and was deeply resented by the Commonwealth.

Freedmen's Bureau

A number of suits were brought for this cause by the Freedmen's Bureau; but they were all lost, as the court

of appeals sustained the lower courts. The first was against Garrett Davis, then ably representing Kentucky in the United States Senate, — a stanch Union man and a large owner of slaves. The effect of the Freedmen's Bureau was: (1) to irritate the people against the Republican party, the party in power in the nation; (2) to strengthen the Democratic party; (3) to retard the advancement of the negro.

The organization assumed the guardianship of the race. It awoke an opposition on the part of the slave to his former owner, and thereby prevented the friendly relations which to-day exist between the two races. By 1870, the Fourteenth and Fifteenth Amendments to the United States constitution were ratified and the rights of citizenship and suffrage were conferred upon the negroes of the nation.

Another cause of the disturbance of the peace was the terror created in various counties of the State — especially Marion, Boyle, Lincoln, and Mercer — by bands of men at first called Regulators and afterward Kuklux. These men took it upon themselves to punish the offenders against the laws of the State. When a crime was committed, a large number of them would go out together in the dead of night, thoroughly armed, and disguised by masks, proceed to the home of the culprit, drag him out of bed, take him to the woods, and whip him or inflict some other torture upon him. The members of the Kuklux pretended that such acts were done by them in order to intimidate evildoers, and thereby improve the moral condition of the State; but in reality these men made themselves criminals of the most dangerous order. Their conduct was wrong enough when their cruelties fell upon the guilty; it was horrible when

Kuklux

the innocent became their victims. The Kuklux were suppressed by 1873, but the lawless spirit which animated them has not yet wholly died out in Kentucky. Sometimes, particularly in the hill country, lynchings still occur — the speedy executions of mob law.

Negroes vote for the first time

Governor Stevenson, having been elected to the United States Senate in February, 1871, resigned the position of governor, and Preston H. Leslie, acting lieutenant governor, assumed the duties of the office. The following August he was elected governor. His opponent was the eminent Republican, John M. Harlan. John G. Carlisle was elected lieutenant governor. The Democratic majority was greatly reduced, because of the addition to the Republican numbers for the first time of the negro vote. Whereas, in the presidential vote of 1868 the Democratic majority in the State had been seventy-six thousand, at this time it was scarcely more than thirty-seven thousand.

Educational affairs

At the close of the war was begun a much-needed reform in the public school system of the State. We have noticed that Kentuckians had never been indifferent to education; nevertheless, the facilities for public education had never been of the very highest. Old Transylvania University had now passed away. Center College, chartered by the Presbyterians in 1819, still existed, and retained somewhat of that picturesque interest which had formerly belonged to it. Its distinguished presidents were from some of the most prominent families of the State, — Reverends Jeremiah Chamberlin, Gideon Blackburn, John C. Young, Lewis W. Green, and William L. Breckinridge. Other denominational colleges existed in various parts of the State, but Kentucky was beginning to realize that it is

upon the public schools that the educational life of a State depends.

The financial condition of the Commonwealth at the close of the war was good. In 1873, there occurred a financial panic which was the greatest ever known in the history of this nation. Though much individual loss was endured in Kentucky, as a Commonwealth she suffered less than many of the other States of the Union.

Period of quietude

A bill having passed the legislature to establish a geological survey in Kentucky, in 1873, Governor Leslie appointed Nathaniel Southgate Shaler, then filling the chair of Geology in Harvard University, as chief of the corps of survey. Professor Shaler, a Kentuckian, brought into the work an earnest enthusiasm, as well as exceptional scholarship. Vast sums of money were expended, and the wealth which lies hidden in the depths of Kentucky was discovered and made known.

RECAPITULATION

Conservatives still in power.
Pardon and return of the Confederate soldiers.
Reaction against Conservatism.
Large growth of the Democratic party in 1867.
Lesser growth of the Republican party.
Conservatives offer a ticket with no hope of election.
They pass mainly into the Democratic party, but some become distinguished among the Republicans.
Democrats carry the State.
Governor John L. Helm dies a few days after his inauguration.
He is succeeded by John W. Stevenson, lieutenant governor, who is elected governor the following year.
The Freedmen's Bureau causes annoyance and retards the advancement of the negro.
The Kuklux, a low order of secret outlaws, disturb the peace.
Governor Stevenson elected United States senator.
Preston H. Leslie becomes acting governor, and then governor (1871).
John G. Carlisle, lieutenant governor.
Negroes vote for the first time.
A public school reform begun.
Financial panic of 1873.
Professor Shaler, State geologist.
Kentucky's resources pointed out.

CHAPTER XX

THE ERA OF TRANSITION, 1875–

Public education in the State

THE future greatness of Kentucky must depend largely upon education. The reform in the public instruction of the State, begun after the Civil War, has been progressing toward a more elevated standard. For the training of school teachers, the State established (1906) two well-equipped Normal Schools for white persons, one at Richmond and one at Bowling Green; and (1886) one for colored persons, at Frankfort. The State has also a continually enlarging institution for higher education.

The State College of Kentucky (Agricultural and Mechanical College) owed its origin to the act of Congress of 1862 donating public lands for its endowment. From 1865 to 1878 it was attached to the old Kentucky University. In 1880 it was placed upon an independent basis, under the management of a Board appointed by the State. In 1908 it was reorganized as the State University (the older Kentucky University being renamed Transylvania University). It now owns grounds, buildings, and other property valued at about $1,000,000. To James K. Patterson, its learned and efficient president from 1869 to 1909, and to the late Judge W. B. Kinkead, long the chairman of the Executive Board, is due the provision which opens all its classes to young women, placing them on an equal basis with the male students. Each county is entitled to send a certain number of white students who

may attend the University for a full four years' course, free of tuition, matriculation, and dormitory fees. All appointments are made by the county superintendent of schools, upon competitive examination of applicants between the ages of fourteen and twenty-four years; but preference is given to those who have passed through the public schools. The University is thus the head of the common school system of Kentucky.

The three State administrations from 1875 to 1887 were concerned with few matters of definite importance for this history. In 1875, James B. McCreary, the Democratic candidate, was elected governor. State politics During his term of office, two United States senators were chosen, — James B. Beck, for six years from the 4th of March, 1877; and General John S. Williams, from 1879. Dr. Luke Pryor Blackburn, Democrat, was elected governor in 1879; his term was notable for his humane effort to relieve the suffering in the State penitentiary, due to the overcrowded condition of the institution. J. Proctor Knott, Democrat, was elected governor in 1883, by a majority of nearly forty-five thousand votes. James B. Beck was returned to the United States Senate, and J. C. S. Blackburn succeeded John S. Williams.

In the year 1884 was started in the city of Louisville an organization that has had the greatest influence in discovering and preserving the interesting facts in the State's history. The Filson Club owes its origin mainly to the inspiration of its first president, the late Colonel Reuben T. Durrett, whose knowledge and enthusiasm in regard to Kentucky subjects were unsurpassed. The members of the club reside in the various counties of the State. By them old garrets have been searched for forgotten manuscripts, old letters have been brought to The Filson Club

Reuben T. Durrett, First President of the Filson Club

light, and new and important information has been gathered concerning the character and life of the early settlers. The publications of the Filson Club are invaluable to students of Kentucky history.

In the State elections of 1887, the Democratic party continued in power. General Simon B. Buckner was elected governor. Three other tickets were run, — a Prohibition, a Union Labor ticket, which received an insignificant vote, and a Republican ticket, headed by W. O. Bradley. A considerable increase in the Republican vote was discovered. At this time, also, the voters decided to revise the State Constitution.

State elections of 1887

On the 3d day of May, 1890, an act to call a constitutional convention passed the legislature, and the second Monday (the 8th day) of September following was appointed for its assembling.

The new constitution

Simon B. Buckner

Important changes were made in the three departments of State government, — the executive, legislative, and judicial. Under the first head, a conspicuous alteration is that all officers are debarred from holding the same office two consecutive terms. Under the second head, special legislation was abolished and necessary provisions in regard to corporations were made. Under the third head, the superior court and all statutory courts were abolished. An increase was made in the number of judges of the appellate court, — not less than five nor more than seven being required, and in the number of circuit courts, one being allowed for every forty thousand inhabitants.

The centenary of Kentucky

On the 1st of June, 1892, one hundred years had passed since the admission of Kentucky into the Union; and the people again assembled at Lexington to do honor to the State's nativity. Here, in the midst of almost unbroken forests, had been organized the first government of the new Commonwealth. All was changed since then: much was lost; much was gained. There were present this day the old grandchildren of those who had taken part in the first celebration, by the side of the young great-grandchildren. The former looked back with wistful pride into the past, with which they were more nearly connected; while the latter looked eagerly forward to a future brightened by reflections from the heroic background. Philadelphia sent three paintings as an offering to the State. Speeches were made in thanks for these and also to extol, in true Kentucky fashion, the glories of the past and present. At Woodland Park a barbecue was prepared; and under the shade of ancient oaks and elms, burgoo — that mysterious concoction which Kentuckians know how to brew — was served with the finest of beef and ham and Southdown mutton which the country could

offer. And thus another century of promise was ushered in.

In 1891, John Young Brown, Democrat, was elected governor; but four years later the Democrats were divided.

The currency question

On June 25, 1895, the Democratic State convention met in Louisville, for the purpose of nominating the various State officers for the election which was to be held the following November. At this time a desolating panic was sweeping the country. Consequently, the thoughts of the people were much occupied with the consideration of financial matters. P. W. Hardin, one of the aspirants for the governorship, advocated the free coinage of silver. Cassius M. Clay, Jr., his opponent, maintained that the money question was not a pertinent issue in a State election. The national administration, under Cleveland, strongly opposed the principle of the free coinage of silver, and the secretary of the treasury, John G. Carlisle, of Kentucky, made three speeches in the State, upholding the gold standard. Hardin, however, received the nomination.

John G. Carlisle

The Republican party nominated for governor William O. Bradley, an advocate of the single gold standard. Populist and Prohibition party tickets were also named. Because of the differences in the Democratic party over the currency question, the Republicans elected their entire ticket, and Kentucky had her first Republican governor.

During Governor Bradley's term as governor much disturbance was caused by toll-gate raiders. Many toll-gates were destroyed, and the collection of tolls prevented by violence. The property of many turnpike companies was bought by the counties, and order was restored.

William O. Bradley

The turbulent legislature of 1896 was composed of an even number of Republicans and Democrats, with two Populist members. For United States senator, J. C. S. Blackburn, a free silver advocate, was selected as the Democratic caucus nominee for reëlection. Eleven gold standard Democrats, however, refused to go into the caucus. W. Godfrey Hunter, a representative in Congress, was the Republican nominee. A few Republicans refused to vote for him. Intense excitement prevailed, and the legislature adjourned without having effected an election.

Legislature of 1896

The silver question in 1896 caused a split in the Democratic party. The regular organization favored the free coinage of silver, and supported William J. Bryan for the presidency. Some of the Democrats opposed to free silver voted for the candidates for President and Vice President of the "National Democratic" ticket — Palmer and Buckner. The latter had been governor of Kentucky in 1887. The result in the State and in the nation was a victory for McKinley, the Republican candidate.

Election of 1896

At a special session of the legislature in 1897, the contest over the vacant seat in the United States Senate was resumed. The caucus nominees were again J. C. S. Blackburn, Democrat, and W. Godfrey Hunter, Republican. Intense excitement and bitterness were aroused. Finally W. J. Deboe, Republican, was elected. In 1900, Blackburn was elected senator to succeed William J. Lindsay. Six years later he was succeeded by Thomas H. Paynter. Deboe was succeeded by Ex-Governor James B. McCreary (elected in 1902).

Senatorial elections

The legislature of 1898 enacted an election bill introduced by William Goebel, State senator, and passed it over Governor Bradley's veto. This placed the appointment of election officers and the canvassing of returns in the hands of a State board of three commissioners to be elected by the legislature, and of county boards to be appointed by the State board.

William Goebel

In 1899 the Democrats, after a prolonged struggle in their convention, nominated William Goebel for governor, and J. C. W. Beckham for lieutenant governor. Democrats opposed to Goebel and to the new election law named an opposition ticket headed by Ex-Governor John Young Brown. The Republican candidates were William S. Taylor for governor and John Marshall for lieutenant governor. Populist, Prohibi-

On the verge of civil war

tion, and Socialist-Labor tickets were also in the field, as they have been in many elections since. The majority of the election commissioners declared Taylor and Marshall elected, and they were sworn in. The Democrats contested the election. Hundreds of armed men came to Frankfort and petitioned the legislature not to depose Taylor and Marshall; for it was believed that the legislature was about to decide the contest in favor of Goebel and Beckham. On January 30, 1900, Goebel was shot by an assassin concealed in one of the rooms of the executive building. Governor Taylor declared it unsafe for the legislature to continue its meeting in Frankfort, and by proclamation adjourned it to meet at London, February 6. The Democratic majority of the legislature ignored his act, but were shut out of the State House by militia. Nevertheless they awarded certificates of election to Goebel and Beckham. Goebel was sworn in as governor, January 31, and on his death was succeeded by Beckham, February 3. Taylor and Marshall refused to give up their offices, until after the case was decided against them by the State Court of Appeals (March 10), and the Supreme Court of the United States declined to interfere (May 21). For three weeks there was to be seen daily the strange spectacle of two different organizations of the State senate both meeting in the same room at the same hour, but each ignoring the presence of the other. Marshall presided over the Republican senators, who after their roll call would adjourn for lack of a quorum. The Democratic majority were presided over by a president pro tem., and carried on business.

Thus from January till May a condition existed which in other lands would have promptly caused a civil war. It is greatly to the credit of Kentucky that nearly all our

citizens refrained from violence, and quietly waited for the decision of the courts.

Many men were accused of complicity in the murder of Goebel. Of the few brought to trial, some were convicted and some acquitted. Taylor was one of the men indicted, but he fled to Indiana, and the governor of that State refused to honor Governor Beckham's requisition for him, claiming that men accused of Goebel's murder could not obtain a fair trial.

J. C. W. Beckham

Governor Beckham called a special session of the legislature to modify the election law. It was provided that the State board should consist of two commissioners appointed by the governor, one from each party, together with the clerk of the Court of Appeals; and that each county board, likewise, should consist of one commissioner from each of the two chief parties, together with the sheriff.

Election law

In the presidential elections of 1900, 1904, 1908, and 1912 Kentucky voted for the Democratic candidates. In 1900 Acting Governor Beckham was elected governor for the unexpired term, by a close vote. He was again elected governor in 1903, for the next full term, by 27,000 plurality. Wm. P. Thorne was elected lieutenant governor. In 1907 the Republicans elected their State ticket, headed by Augustus E. Willson for

Politics since 1900

governor, and W. H. Cox for lieutenant governor, by 18,000 plurality. The legislature of 1908 had a Democratic majority of 8 votes. Ex-Governor Beckham was the Democratic nominee for United States senator to succeed Senator McCreary, but a few Democrats refused to vote for him. The contest was prolonged till February 28, when four Democrats voted with the Republicans for Ex-Governor Bradley, and elected him.

Augustus E. Willson

Much disturbance was created in the State, especially during the years 1905 to 1908, as an outgrowth of the complicated situation that existed in relation to the tobacco industry. Companies of men called "night riders" resorted to various acts of violence. By them growing tobacco was destroyed, tobacco barns were burned, and men were assaulted and whipped. In all, many hundred thousand dollars' worth of property was destroyed by "night riders."

The "Tobacco War"

The legislature of 1904 appropriated $1,000,000 for a new capitol building, and two years later added $250,000. A new site in South Frankfort was chosen, and there a beautiful capitol, in keeping with the growth and dignity of the State, was erected in 1905–1909.

In 1911, former United States Senator James B. McCreary, Democrat, who had been governor in 1875–79,

was again elected governor by a plurality of 34,000 votes over the Republican nominee, Judge E. C. O'Rear; and Edward J. McDermott, Democratic nominee for lieutenant governor, defeated L. L. Bristow, Republican. Ollie M. James, Democrat, representative in Congress, was elected United States senator, to succeed Thomas H. Paynter. His opponent was Edwin P. Morrow, United States district attorney for the eastern district. The legislature was largely Democratic.

Democrats again in power

Many acts of importance were passed by the legislature of 1912. Chief among these are the two following, of a social nature: (1) The County Unit Extension Bill is an act to amend the Kentucky statute pertaining to the local option law passed many years ago, under which each county could decide for itself whether or not to prohibit the sale of intoxicating liquors within its borders. Under the new act the exception made in the old law as to cities of the first four classes was stricken out. A law was also passed in 1912 prohibiting the taking or shipping of intoxicating liquors into such territory, unless upon the prescription of a licensed physician. (2) Another act qualifies and entitles all women able to read and write, and possessing the legal qualifications required of male voters in any common school election, to vote at all elections of school trustees and other school officers required to be elected by the people, and to hold any school office, or office pertaining to the management of schools.

Recent legislation

Two other highly important acts that may be defined as laws of a more distinctly political nature were passed in 1912: (1) A compulsory Primary Law, whereby all nominations are placed under state control, Republicans and Democrats being required to select their nominees for all

elective offices on the same day, with the same machinery, and at the expense of the State; (2) A Congressional Redistricting Act, creating eleven congressional districts, of which nine are normally Democratic, and two Republican.

On May 23, 1914, Senator William O. Bradley died. Governor McCreary appointed Johnson N. Camden, Democrat, for the few remaining weeks of Bradley's term prior to the November election. Camden offered himself, and won, for the short term which ended March, 1915. Ex-Governor Beckham was the Democratic aspirant for the long term. It was a hotly contested campaign, as Beckham strongly advocated state prohibition. He won over his Republican opponent, Ex-Governor Willson, by a plurality of more than thirty thousand votes. Only two Republicans won in the congressional elections: John W. Langley of the Tenth district, and Caleb W. Powers of the Eleventh.

The prohibition movement has advanced steadily in the State for twenty years, since the law requiring scientific temperance instruction in the public schools was secured through the efforts of the Kentucky Woman's Christian Temperance Union. In 1915 all but fourteen counties of the State had voted in favor of the abolition of the liquor traffic. There were only twenty-three places in Kentucky where licenses were issued, and all of the rural territory was under local prohibition. A bill offered before the legislature of 1914 by W. M. Webb, representative from the counties of Johnson and Martin, submitting the question of state-wide prohibition, passed the lower house by more than the required vote. It was defeated in the senate by a parliamentary technicality.

Prohibition movement

Kentucky has made recent marvelous advancement in industrial affairs. Improved methods of farming are now being generally adopted. Since 1880, the annual product

of her farms has more than doubled in value, as has also that of her manufactures. But the greatest development has occurred in her coal industry. In 1915 it was estimated that the State had in her two coal fields, the Eastern and the Western, at least one hundred and twenty billion tons of available coal, and that Kentucky was fifth among coal-producing states. Her mining industry has advanced rapidly since 1900, when her coal output was only five million tons. During 1914 it was more than twenty million tons. The special development has been on the upper waters of the Big Sandy River and its tributaries. There have also been developments, though as yet less extensive, on the upper waters of the North Fork of the Kentucky River, and on the Cumberland River, as well as in the western part of the State.

Industrial progress

In recent years the two Normal Schools for white persons have been placed under a bi-partisan board. Likewise the board of control for charitable institutions, previously partisan, was, in 1908, made bi-partisan. The legislature of 1912 abolished the old Prison Commission, and created a board of control to consist of three members appointed by the governor. The legislature of 1914 passed an act providing for the election of six additional members of the Board of Trustees of the State University, to be elected from the alumni, by ballot of the graduates and of those who have received degrees of the institution, one fifth of the governor's appointees being also of the alumni.

The important movement pertaining to good roads in Kentucky, which began about ten years ago, received special impetus during the year 1915 through the project to intersect the State by three great highways, the Dixie, the Jackson, and the Boone Highway. Road building in Kentucky began in 1829, and the State now has a national

reputation in this relation. She stands fourth among the commonwealths and territories in point of improved roads, having in constant use nearly 9500 miles of turnpike, most of which is surfaced with stone, her roads being valued at nearly $1,150,000.

At the November election of 1915 the Democratic candidates for governor and lieutenant governor, A. O. Stanley and James D. Black, defeated by a small plurality the Republican nominees, Edwin P. Morrow and Lewis L. Walker.

Several acts of general interest were passed by the Democratic legislature of 1916, among which may be mentioned a bill appropriating $5000 yearly for two years to the Illiteracy Commission, a bill providing for Sunday closing of saloons, a bill prohibiting fraudulent advertisement, and a Pure Food bill that places Kentucky in the lead of all states in this matter. Also a bill was passed making Lincoln's birthday a legal holiday.

In June, 1916, the National Guard was called out, to serve on the Mexican border. A portion of the Kentucky brigade (the old First Kentucky Infantry) was not mustered out before the United States entered the world war (April 6, 1917), and was then, with the other parts of the state troops, taken into the Federal service. The Kentucky Guard was trained for overseas service at Camp Shelby, Mississippi. A cantonment for the training of National Army soldiers was Camp Zachary Taylor, situated at Louisville, Kentucky.

For the first time in twelve years a special session of the General Assembly was called by Governor Stanley, to convene February 14, 1917. A permanent Tax Commission, to succeed the temporary one appointed in 1916, was created, and a number of bills designed to increase the State's revenues, and to distribute the burden of taxation

more equitably, were passed. But the most important session of the legislature for twenty years was that of 1918. The National Prohibition amendment was ratified by a vote of 93 to 15, and a bill to submit to the voters at the next general election (November, 1919) the Statewide Prohibition amendment was likewise passed. Also additional reforms in the ancient financial methods of the State were effected, the most important being a bill providing for the Budget System of state appropriations. Appropriations aggregating $1,150,000 were made.

Ollie M. James, United States senator, the nominee of the Democratic party to succeed himself, died August 28, 1918. Governor Stanley appointed George B. Martin, of Catlettsburg, for the short term, ending March, 1919. Stanley was chosen the nominee of the Democrats by the State Central and Executive Committees, September 5, 1918, and at the November election he defeated his Republican opponent, Dr. Ben L. Bruner.

From the foregoing there may be gained some idea of the events occurring in the State at the present time. But an account of the new Kentucky must be mainly a matter of prophecy. The old order of things has passed away; the new order has not yet been fully developed. Kentucky's past usefulness has been clearly demonstrated, but her possibilities for future greatness can only be pointed out and anticipated.

CONSTITUTION OF THE COMMONWEALTH OF KENTUCKY.

Preamble.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political, and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

Bill of Rights.

That the great and essential principles of liberty and free government may be recognized and established, we declare that :—

Section 1. All men are by nature free and equal, and have certain inherent and inalienable rights, among which may be reckoned—

1. The right of enjoying and defending their lives and liberties.

2. The right of worshiping Almighty God according to the dictates of their consciences.

3. The right of seeking and pursuing their safety and happiness.

4. The right of freely communicating their thoughts and opinions.

5. The right of acquiring and protecting property.

6. The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address, or remonstrance.

7. The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Sec. 2. Absolute and arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

Sec. 3. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution ; and every grant of a franchise, privilege, or exemption, shall remain subject to revocation, alteration, or amendment.

Sec. 4. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace,

safety, happiness, and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may deem proper.

SEC. 5. No preference shall ever be given by law to any religious sect, society, or denomination; nor to any particular creed, mode of worship, or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges, or capacities of no person shall be taken away, or in any wise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma, or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 6. All elections shall be free and equal.

SEC. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write, and print on any subject, being responsible for the abuse of that liberty.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 10. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

SEC. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land

or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

SEC. 14. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

SEC. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 19. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be enacted.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 21. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

SEC. 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.

SEC. 24. Emigration from the State shall not be prohibited.

SEC. 25. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime whereof the party shall have been duly convicted.

SEC. 26. To guard against transgression of the high powers which we have delegated, we declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever

remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

Distribution of the Powers of Government.

Sec. 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy: to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Sec. 28. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

Legislative Department.

Sec. 29. The legislative power shall be vested in a House of Representatives and a Senate, which together shall be styled the "General Assembly of the Commonwealth of Kentucky."

Sec. 30. Members of the House of Representatives and senators elected at the August election in one thousand eight hundred and ninety-one, and senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of representatives and senators shall begin upon the first day of January of the year succeeding their election.

Sec. 31. At the general election in the year one thousand eight hundred and ninety-three one senator shall be elected in each senatorial district, and one representative in each representative district. The senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the representatives shall hold their offices for two years. Every two years thereafter there shall be elected for four years one senator in each senatorial district in which the term of his predecessor in office will then expire, and in every representative district one representative for two years.

Sec. 32. No person shall be a representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town, or city for which he may be chosen. No person shall be a senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

Sec. 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight senatorial districts, and one hundred representative districts, as nearly equal in popula-

tion as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the senatorial and representative districts for ten years. Not more than two counties shall be joined together to form a representative district: *provided*, in doing so, the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

SEC. 34. The House of Representatives shall choose its speaker and other officers, and the Senate shall have power to choose its officers, biennially.

SEC. 35. The number of representatives shall be one hundred, and the number of senators thirty-eight.

SEC. 36. The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection, or pestilence, when it may, by proclamation of the governor, assemble, for the time being, elsewhere.

SEC. 37. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

SEC. 38. Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

SEC. 39. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly or either House thereof, or a committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

SEC. 40. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

SEC. 41. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 42. The members of the General Assembly shall severally receive from the State treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: *provided* the same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day.

SEC. 43. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 44. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

SEC. 45. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town, or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 46. No bill shall be considered for final passage, unless the same has been reported by a committee, and printed for the use of the members. Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and en-

tered in the journal : *provided* any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

SEC. 47. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto : *provided* no new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

SEC. 48. The General Assembly shall have no power to enact laws to diminish the resources of the sinking fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them ; and the whole resources of said fund, from year to year, shall be sacredly set apart, and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

SEC. 49. The General Assembly may contract debts to meet casual deficits or failures in the revenue ; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts : *provided* the General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 50. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years ; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it : *provided* the General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

SEC. 51. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only ; but so much thereof as is revised, amended, extended, or conferred shall be reënacted and published at length.

SEC. 52. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

SEC. 53. The General Assembly shall provide by law for monthly investigations into the accounts of the treasurer and auditor of public accounts, and the result of these investigations shall be reported to the governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the governor shall, at the beginning of each session, be transmitted

by him to the General Assembly for scrutiny and appropriate action.

SEC. 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

SEC. 55. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the governor ; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

SEC. 56. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session ; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same, to the end that it may become a law. The bill shall then be read at length and compared ; and, if correctly enrolled, he shall, in presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the clerk of the latter House shall immediately present the same to the governor for his signature and approval.

SEC. 57. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

SEC. 58. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed, but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

SEC. 59. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes ; namely,—

1. To regulate the jurisdiction, or the practice, or the circuits of courts of justice, or the rights, powers, duties, or compensation of the officers thereof ; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

2. To regulate the summoning, impaneling, or compensation of grand or petit jurors.

3. To provide for changes of venue in civil or criminal causes.

4. To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties, or forfeitures.

5. To regulate the limitation of civil or criminal causes.

6. To affect the estate of *cestuis que trust*, decedents, infants, or other persons under disabilities, or to authorize any such persons to sell, lease, encumber, or dispose of their property.

7. To declare any person of age, or to relieve an infant or *feme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

8. To change the law of descent, distribution, or succession.

9. To authorize the adoption or legitimation of children.

10. To grant divorces.

11. To change the name of persons.

12. To give effect to invalid deeds, wills, or other instruments.

13. To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county, or municipality thereof.

14. To refund money legally paid into the State treasury.

15. To authorize or to regulate the levy, the assessment, or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

16. To authorize the opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

17. To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads, or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates or to regulate tolls; to regulate fencing or the running at large of stock.

18. To create, increase, or decrease fees, percentages, or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

19. To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

20. To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts, or districts, except when new counties may be created.

21. To regulate the rate of interest.

22. To authorize the creation, extension, enforcement, impairment, or release of liens.

23. To provide for the protection of game and fish.

24. To regulate labor, trade, mining, or manufacturing.

25. To provide for the management of common schools.

26. To locate or change a county seat.

27. To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate, or prohibit therein the sale of vinous, spirituous, or malt liquors, or alter the liquor laws.

28. Restoring to citizenship persons convicted of infamous crimes.
29. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 60. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district, or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan, or gift of vinous, spirituous, or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns, or other municipalities, of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

SEC. 61. The General Assembly shall by general law provide a means whereby the sense of the people of any county, city, town, district, or precinct may be taken, as to whether or not spirituous, vinous, or malt liquors shall be sold, bartered, or loaned therein, or the sale thereof regulated; but nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

SEC. 62. The style of the laws of this Commonwealth shall be as follows: "*Be it enacted by the General Assembly of the Commonwealth of Kentucky.*"

COUNTIES AND COUNTY SEATS.

SEC. 63. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

SEC. 64. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

SEC. 65. There shall be no territory stricken from any county un-

less a majority of the voters living in such territory shall petition for such division ; but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

Impeachments.

Sec. 66. The House of Representatives shall have the sole power of impeachment.

Sec. 67. All impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 68. The governor and all civil officers shall be liable to impeachment for any misdemeanors in office ; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this Commonwealth ; but the party convicted shall, nevertheless, be subject and liable to indictment, trial, and punishment by law.

The Executive Department.

Officers for the State at Large.

Sec. 69. The supreme executive power of the Commonwealth shall be vested in a chief magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

Sec. 70. He shall be elected for the term of four years by the qualified voters of the State. The person having the highest number of votes shall be governor ; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

Sec. 71. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

Sec. 72. He shall be at least thirty years of age, and have been a citizen and a resident of Kentucky for at least six years next preceding his election.

Sec. 73. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

Sec. 74. He shall at stated times receive for his services a compensation to be fixed by law.

Sec. 75. He shall be commander-in-chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States ; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

Sec. 76. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which

shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 77. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment; and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the clerk, sheriff, or Commonwealth's attorney in penal or criminal cases.

SEC. 78. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 79. He shall from time to time give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 80. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly, it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

SEC. 81. He shall take care that the laws be faithfully executed.

SEC. 82. A lieutenant-governor shall be chosen at every regular election for governor, in the same manner, to continue in office for the same time, and possess the same qualifications, as the governor. He shall be ineligible to the office of lieutenant-governor for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 83. He shall, by virtue of his office, be president of the Senate, have a right, when in committee of the whole, to debate and vote on all subjects, and, when the Senate is equally divided, to give the casting vote.

SEC. 84. Should the governor be impeached, and removed from office, die, refuse to qualify, resign, be absent from the State, or be from any cause unable to discharge the duties of his office, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor until another be duly elected and qualified, or the governor shall return or be able to discharge the duties of his office. On the trial of the governor, the lieutenant-governor shall not act as president of the Senate or take part in the proceedings, but the chief justice of the Court of Appeals shall preside during the trial.

SEC. 85. A president *pro tempore* of the Senate shall be elected by each Senate as soon after its organization as possible, the lieutenant-

governor vacating his seat as president of the Senate until such election shall be made ; and as often as there is a vacancy in the office of president *pro tempore*, another president *pro tempore* of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, and removed from office, refuse to qualify, resign, die, or be absent from the State, the president *pro tempore* of the Senate shall in like manner administer the government : *provided*, whenever a vacancy shall occur in the office of governor before the first two years of the term shall have expired, a new election for governor shall take place to fill such vacancy.

SEC. 86. The lieutenant-governor, or president *pro tempore* of the Senate, while he acts as president of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed for the speaker of the House of Representatives ; and during the time he administers the government as governor, he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 87. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the State during the recess of the General Assembly, if there be no president *pro tempore* of the Senate, it shall be the duty of the secretary of state for the time being to convene the Senate for the purpose of choosing a president; and until a president is chosen, the secretary of state shall administer the government. If there be no secretary of state to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the attorney-general for the time being shall convene the Senate for the purpose of choosing a president, and shall administer the government until a president is chosen.

SEC. 88. Every bill which shall have passed the two Houses shall be presented to the governor. If he approve, he shall sign it ; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and, if approved by a majority of all the members elected to that House, it shall be a law ; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the secretary of state. The governor shall have power to disapprove any part or parts of appropriation bills embracing distinct

items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

SEC. 89. Every order, resolution, or vote in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 90. Contested elections for governor and lieutenant-governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 91. A treasurer, auditor of public accounts, register of the land office, commissioner of agriculture, labor, and statistics, secretary of state, attorney-general, and superintendent of public instruction, shall be elected by the qualified voters of the State at the same time the governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law; and the secretary of state shall keep a fair register of and attest all the official acts of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

SEC. 92. The attorney-general shall have been a practicing lawyer eight years before his election.

SEC. 93. The treasurer, auditor of public accounts, secretary of state, commissioner of agriculture, labor, and statistics, attorney-general, superintendent of public instruction, and register of the land office shall be ineligible to reëlection for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

SEC. 94. The General Assembly may provide for the abolishment of the office of the register of the land office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

SEC. 95. The election under this Constitution for governor, lieutenant-governor, treasurer, auditor of public accounts, register of the land office, attorney-general, secretary of state, superintendent of public instruction, and commissioner of agriculture, labor, and statis-

tics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

SEC. 96. All the officers mentioned in section ninety-five shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES.

SEC. 97. At the general election in eighteen hundred and ninety-two there shall be elected in each circuit court district a Commonwealth's attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a circuit court clerk, and for a Commonwealth's attorney in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

SEC. 98. The compensation of the Commonwealth's attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State treasury, and not until so collected and paid.

SEC. 99. There shall be elected in eighteen hundred and ninety-four in each county a judge of the county court, a county court clerk, a county attorney, sheriff, jailer, coroner, surveyor, and assessor, and in each justice's district one justice of the peace and one constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of sheriffs under this Constitution shall be held in eighteen hundred and ninety-two, and the sheriffs then elected shall hold their offices two years, and until the election and qualification of their successors. The sheriffs now in office for their first term shall be eligible to reëlection in eighteen hundred and ninety-two, and those elected in eighteen hundred and ninety-two for the first term shall be eligible to reëlection in eighteen hundred and ninety-four, but thereafter no sheriff shall

be eligible to reëlection or to act as deputy for the succeeding term.

SEC. 100. No person shall be eligible to the offices mentioned in sections ninety-seven and ninety-nine who is not at the time of his election twenty-four years of age (except clerks of county and circuit courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of county attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of clerk unless he shall have procured from a judge of the Court of Appeals, or a judge of a circuit court, a certificate that he has been examined by the clerk of his court under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 101. Constables shall possess the same qualifications as sheriffs, and their jurisdiction shall be coextensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

SEC. 102. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 103. The judges of county courts, clerks, sheriffs, surveyors, coroners, jailers, constables, and such other officers as the General Assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

SEC. 104. The General Assembly may abolish the office of assessor, and provide that the assessment of property shall be made by other officers; but it shall have power to reëstablish the office of assessor and prescribe his duties. No person shall be eligible to the office of assessor two consecutive terms.

SEC. 105. The General Assembly may at any time consolidate the offices of jailer and sheriff in any county or counties, as it shall deem most expedient; but, in the event such consolidation be made, the office of sheriff shall be retained, and the sheriff shall be required to perform the duties of jailer.

SEC. 106. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the clerks of the respective courts thereof (except the clerk of the city court), the marshals, the sheriffs, and the jailers shall be paid out of the State treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers respectively, and paid into the treasury.

SEC. 107. The General Assembly may provide for the election or

appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may from time to time be necessary.

SEC. 108. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the county attorneys.

THE JUDICIAL DEPARTMENT.

SEC. 109. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a court of impeachment, and one Supreme Court (to be styled the Court of Appeals), and the courts established by this Constitution.

COURT OF APPEALS.

SEC. 110. The Court of Appeals shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

SEC. 111. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection, or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

SEC. 112. The judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the governor shall remove them, or any one or more of them, on the address of two-thirds of each House of the General Assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

SEC. 113. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven judges. They shall severally, by virtue of their office, be conservators of the peace throughout the State, and shall be commissioned by the governor.

SEC. 114. No person shall be eligible to election as a judge of the Court of Appeals who is not a citizen of Kentucky, and has not resided in this State five years, and in the district in which he is elected two years, next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a circuit court or court of

similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 115. The present judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present judges, his successor shall be elected. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven judges be provided for, the General Assembly may at any time increase the number to seven.

SEC. 116. The judges of the Court of Appeals shall be elected by districts. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, divide the State, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of judges requires it, redistrict the State in like manner. Upon the creation of new or additional districts, the General Assembly shall designate the year in which the first election for a judge of the Court of Appeals shall be held in each district, so that not more than the number of judges provided for shall be elected, and that no judge may be deprived of his office until the expiration of the term for which he was elected.

SEC. 117. A majority of the judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the governor, on that fact being certified to him by the chief justice, shall appoint to try the particular cause a sufficient number of judges to constitute a full court. The judges so appointed shall possess the qualifications prescribed for judges of the Court of Appeals, and receive the same compensation, proportioned to the length of service.

SEC. 118. The judge longest in commission as judge of the Court of Appeals shall be chief justice, and if the term of service of two or more judges be the same, they shall determine by lot which of their number shall be chief justice. The court shall prescribe by rule that petitions for rehearing shall be considered by a judge who did not deliver the opinion in the case; and the court, if composed of seven judges, shall divide itself into sections for the transaction of business, if, in the judgment of the court, such arrangement is necessary.

SEC. 119. The Superior Court shall continue until the terms of the present judges of said court expire; and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals, and be determined by it.

SEC. 120. The present clerk of the Court of Appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the

qualified voters of the State a clerk of the Court of Appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three, and thereafter, the clerk of the Court of Appeals shall be elected at the same time as the governor, for the term of four years; and the said clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The clerk shall be ineligible for the succeeding term.

SEC. 121. No person shall be eligible to the office of clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a judge of the Court of Appeals that he has been examined by him, or by the clerk of his court under his supervision, and that he is qualified for the office.

SEC. 122. Should a vacancy occur in the office of the clerk of the Court of Appeals, or should the clerk be under charges, the Court of Appeals shall have power to appoint a clerk until the vacancy be filled as provided in this Constitution, or until the clerk be acquitted.

SEC. 123. The style of process shall be "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.

SEC. 124. The clerks of the Court of Appeals, circuit and county courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The court shall be judge of the facts as well as the law. Two-thirds of the members present must concur in the sentence.

CIRCUIT COURTS.

SEC. 125. A circuit court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

SEC. 126. The jurisdiction of said court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

SEC. 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

SEC. 128. At its first session after the adoption of this Constitution, the General Assembly, having due regard to territory, business, and population, shall divide the State into a sufficient number of judicial districts to carry into effect the provisions of this Constitution concerning circuit courts. In making such apportionment, no county shall be divided; and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire State.

SEC. 129. The General Assembly shall, at the same time the judi-

cial districts are laid off, direct elections to be held in each district to elect a judge therein. The first election of judges of the circuit courts under this Constitution shall take place at the annual election in the year eighteen hundred and ninety-two, and the judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election for judges of the circuit courts, who shall hold their offices for six years from the first Monday in January succeeding their election. They shall be commissioned by the governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the judges of the Court of Appeals. The removal of a judge from his district shall vacate his office.

SEC. 130. No person shall be eligible as judge of the circuit court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.

SEC. 131. There shall be at least three regular terms of circuit court held in each county every year.

SEC. 132. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the State according to the last enumeration.

SEC. 133. The judges of the circuit court shall at stated times receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State, so far as the same shall be paid out of the State treasury.

SEC. 134. The judicial districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

SEC. 135. No courts save those provided for in this Constitution shall be established.

SEC. 136. The General Assembly shall provide by law for holding circuit courts, when from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

SEC. 137. Each county having a population of one hundred and fifty thousand, or over, shall constitute a district, which shall be entitled to four judges. Additional judges for said district may from time to time be authorized by the General Assembly, but not to exceed one judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: *provided* no general term shall have power to review any order, decision, or proceeding of any branch of the court in said district made in separate term. There shall be one clerk for

such district, who shall be known as the clerk of the circuit court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said court; and all other litigation in said district, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term or as may be prescribed by law.

SEC. 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district; and when its population reaches seventy-five thousand, the General Assembly may provide that it shall have an additional judge, and such district may have a judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall by proper laws direct in what manner the court shall be held and the business therein conducted.

QUARTERLY COURTS.

SEC. 139. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the "quarterly court," the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by law in the quarterly courts of this Commonwealth. The judges of the county court shall be the judges of the quarterly courts.

COUNTY COURTS.

SEC. 140. There shall be established in each county now existing, or which may be hereafter created, in this State, a court, to be styled the "county court," to consist of a judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the governor, and shall vacate his office by removal from the county in which he may have been elected.

SEC. 141. The jurisdiction of the county court shall be uniform throughout the State, and shall be regulated by general law, and, until changed, shall be the same as now vested in the county courts of this State by law.

JUSTICES' COURTS.

SEC. 142. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one justice of the peace shall be elected as provided in section ninety-nine. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of

justices of the peace shall be coextensive with the county, and shall be equal and uniform throughout the State. Justices of the peace shall be conservators of the peace. They shall be commissioned by the governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

Police Courts.

Sec. 143. A police court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as justices of the peace have. The said courts may be authorized to act as examining courts, but shall have no civil jurisdiction : *provided*, the General Assembly may confer civil jurisdiction on police courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of justices of the peace.

Fiscal Courts.

Sec. 144. Counties shall have a fiscal court, which may consist of the judge of the county court and the justices of the peace, in which court the judge of the county court shall preside, if present ; or a county may have three commissioners, to be elected from the county at large, who, together with the judge of the county court, shall constitute the fiscal court. A majority of the members of said court shall constitute a court for the transaction of business ; but where, for county governmental purposes, a city is by law separated from the remainder of the county, such commissioners may be elected from the part of the county outside of such city.

Suffrage and Elections.

Sec. 145. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct, and not elsewhere ; but the following persons are excepted, and shall not have the right to vote :—

1. Persons convicted, in any court of competent jurisdiction, of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage ; but persons hereby excluded may be restored to their civil rights by Executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons.

SEC. 146. No person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

SEC. 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more, and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be *viva voce*, and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

SEC. 148. Not more than one election each year shall be held in this State or in any city, town, district, or county thereof, except as otherwise provided in this Constitution. All elections of State, county, city, town, or district officers shall be held on the first Tuesday after the first Monday in November; but no officer of any city, town, or county, or of any subdivision thereof, except members of municipal legislative boards, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State officers, including members of the General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of six o'clock A.M. and seven o'clock P.M., but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

SEC. 149. Voters, in all cases except treason, felony, breach or surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

SEC. 150. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected, who shall be convicted of having given, or consented to the giving, offer, or promise of, any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise, or give, or shall authorize, directly or indirectly, any person to offer, promise, or give, any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized

to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised, or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges, and immunities thereunder; and if chartered by another State, and doing business in this State, whether by license or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State: and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law; but such disability may be removed by pardon of the governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SEC. 151. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice; and he shall be held responsible for acts done by others with his authority, or ratified by him.

SEC. 152. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: if the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term; if the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term; if three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district, or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the governor: all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

SEC. 153. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

SEC. 154. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous, vinous, or malt liquors on election days.

SEC. 155. The provisions of sections one hundred and forty-five to one hundred and fifty-four, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

SEC. 156. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers, and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and, in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

SEC. 157. The tax rate of cities, towns, counties, taxing districts, and other municipalities, for other than school purposes, shall not at any time exceed the following rates upon the value of the taxable property therein: viz., for all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all

towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

SEC. 158. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following-named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness: viz., cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five per centum; cities and towns of the fifth and sixth classes, three per centum; and counties, taxing districts, and other municipalities, two per centum: *provided* any city, town, county, taxing district, or other municipality may contract an indebtedness in excess of such limitations, when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution; *and provided, further*, if, at the time of the adoption of this Constitution, the aggregate indebtedness, bonded or floating, of any city, town, county, taxing district, or other municipality, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no such city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no such county, taxing district, or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been reduced below the limit herein fixed; and thereafter it shall not exceed the limit, unless in case of emergency the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district, or other municipality.

SEC. 159. Whenever any county, city, town, taxing district, or other municipality is authorized to contract an indebtedness, it shall be required at the same time to provide for the collection of an annual tax

sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

SEC. 160. The mayor or chief executive, police judges, members of legislative boards or councils of towns and cities, shall be elected by the qualified voters thereof: *provided* the mayor or chief executive and police judges of the towns of the fourth, fifth, and sixth classes may be appointed or elected as provided by law. The terms of office of mayors or chief executives and police judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second, or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No mayor or chief executive or fiscal officer of any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an auditor or assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled.

SEC. 161. The compensation of any city, county, town, or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

SEC. 162. No county, city, town, or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

SEC. 163. No street railway, gas, water, steam-heating, telephone, or electric-light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts, or other apparatus along, over, under, or across the streets, alleys, or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

SEC. 164. No county, city, town, taxing district, or other munici-

pality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

SEC. 165. No person shall at the same time be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employee thereof; and no person shall at the same time fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a notary public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

SEC. 166. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution; and all city and police courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

SEC. 167. All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city, until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: *provided* that the terms of office of police judges who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of police judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

SEC. 168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

Revenue and Taxation.

Sec. 169. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

Sec. 170. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used, and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country, appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Sec. 171. The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

Sec. 172. All property not exempted from taxation by this Constitution shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

Sec. 173. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city, or town, or member or officer of the General Assembly, of any interest, profit, or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district, or county purposes, shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 174. All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution ; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses, or franchises.

SEC. 175. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

SEC. 176. The Commonwealth shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 177. The credit of the Commonwealth shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State, nor shall the Commonwealth become an owner or stockholder in, nor make donation to, any company, association, or corporation ; nor shall the Commonwealth construct a railroad or other highway. (For amendment of 1908, see p. 272.)

SEC. 178. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 179. The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads : *provided,* if any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

SEC. 180. The General Assembly may authorize the counties, cities, or towns to levy a poll-tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied ; and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 181. The General Assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may by general laws confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations, and professions, or a special or excise tax,

and may by general laws delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations, and professions. (For amendment of 1902, see p. 272.)

SEC. 182. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed, and how taxes thereon shall be collected; and until otherwise provided, the present law on said subject shall remain in force.

EDUCATION.

SEC. 183. The General Assembly shall by appropriate legislation provide for an efficient system of common schools throughout the State.

SEC. 184. The bond of the Commonwealth, issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars, shall constitute one bond of the Commonwealth in favor of the Board of Education; and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: *provided* the tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

SEC. 185. The General Assembly shall make provision by law for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the sinking-fund commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and reinvestment from time to time, in like manner and with the same restrictions as provided with reference to the sale of the said stock in the Bank of Kentucky.

SEC. 186. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; and if the *pro rata* share of any school district be not called for after the second school year, it shall be covered into the treasury, and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of

six per centum per annum, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

SEC. 187. In distributing the school fund, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

SEC. 188. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund. and be held as provided in section one hundred and eighty-four; but the General Assembly may authorize the use, by the Commonwealth, of the moneys so received, or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of section one hundred and eighty-four, concerning the bond therein referred to.

SEC. 189. No portion of any fund or tax now existing, or that may hereafter be raised or levied, for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian, or denominational school.

CORPORATIONS.

SEC. 190. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this Constitution.

SEC. 191. All existing charters or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

SEC. 192. No corporation shall engage in business other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

SEC. 193. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created; and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered; and all fictitious increase of stock or indebtedness shall be void.

SEC. 194. All corporations formed under the laws of this State, or carrying on business in this State, shall at all times have one or more known places of business in this State, and an authorized agent or agents there, upon whom process may be executed; and the General Assembly shall enact laws to carry into effect the provisions of this section.

SEC. 195. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals; and the exercise of the police powers of this Commonwealth shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

SEC. 196. Transportation of freight and passengers by railroad, steamboat, or other common carrier, shall be so regulated by general law as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

SEC. 197. No railroad, steamboat, or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town, or county officer, or member of the General Assembly, or judge; and any State, district, city, town, or county officer, or member of the General Assembly, or judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

SEC. 198. It shall be the duty of the General Assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations, or other organizations, from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

SEC. 199. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers, and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

SEC. 200. If any railroad, telegraph, express, or other corporation organized under the laws of this Commonwealth shall consolidate, by sale or otherwise, with any railroad, telegraph, express, or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation; but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate

property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

SEC. 201. No railroad, telegraph, telephone, bridge, or common carrier company shall consolidate its capital stock, franchises, or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge, or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease, or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 202. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

SEC. 203. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 204. Any president, director, manager, cashier, or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony, and subject to such punishment as shall be prescribed by law.

SEC. 205. The General Assembly shall by general laws provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges, or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

SEC. 206. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control; and the General Assembly shall enact laws for the inspection of grain, tobacco, and other produce, and for the protection of producers, shippers, and receivers of grain, tobacco, and other produce.

SEC. 207. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

SEC. 208. The word "corporation" as used in this Constitution shall embrace joint-stock companies and associations.

RAILROADS AND COMMERCE.

SEC. 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three commissioners. During the session of the General Assembly which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the governor shall appoint, by and with the advice and consent of the Senate, said three commissioners, one from each superior court district as now established; and said appointees shall take their office at the expiration of the terms of the present incumbents. The commissioners so appointed shall continue in office during the term of the present governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five, and every four years thereafter, the commissioners shall be elected, one in each superior court district, by the qualified voters thereof, at the same time and for the same term as the governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year, next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may from time to time change said districts so as to equalize the population thereof, and may, if deemed expedient, require that the commissioners be all elected by the qualified voters of the State at large; and if so required, one commissioner shall be from each district. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in any wise pecuniarily interested in such company, corporation, firm, or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the railroad commissioners shall be regulated by law; and, until otherwise provided by law, the commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed, and allowed by law to the existing railroad commissioners. The General Assembly may, for cause, address any of said commissioners out of office by similar proceedings as in the case of judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said commissioners, and to impose proper penalties therefor.

SEC. 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in, any other business than that of a common carrier, or hold, own, lease, or acquire, directly or indirectly, mines, factories, or timber, except such as shall be necessary to carry on its business; and the General

Assembly shall enact laws to give effect to the provisions of this section.

SEC. 211. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain, or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

SEC. 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands or under the control of any officer, agent, or employee of such corporation or company, shall be subject to process of attachment to the same extent, and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property, may be subjected to the payment of any judgment against such corporation or company in the same manner and to the same extent as such property of individuals in the hands of third persons.

SEC. 213. All railroad, transfer, belt lines, and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining, or controlling any railroad, transfer, belt lines, or bridges, or doing a railway business in this State, shall receive, transfer, deliver, and switch empty or loaded cars, and shall move, transport, receive, load, or unload all the freight in car-loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge, or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback, or rebate in favor of any person, corporation, consignee, or consignor, in any matter as to payment, transportation, handling, or delivery; and shall so receive, deliver, transfer, and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

SEC. 214. No railway, transfer, belt line, or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association, or corporation, for the receipt, transfer, delivery, transportation, handling, care, or custody of any freight, or for the conduct of any business as a common carrier.

SEC. 215. All railway, transfer, belt lines, or railway bridge companies shall receive, load, unload, transport, haul, deliver, and handle freight of the same class for all persons, associations, or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

SEC. 216. All railway, transfer, belt lines, and railway bridge companies shall allow the tracks of each other to unite, intersect, and cross at any point where such union, intersection, and crossing is reasonable or feasible.

SEC. 217. Any person, association, or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars; and for the third offense, shall thereupon, *ipso facto*, forfeit its franchises, privileges, or charter rights; and if such delinquent be a foreign corporation, it shall, *ipso facto*, forfeit its right to do business in this State; and the attorney-general of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

SEC. 218. It shall be unlawful for any person or corporation owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: *provided*, that, upon application to the railroad commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such common carrier or person, or corporation owning or operating a railroad in this State, may be relieved from the operations of this section.

THE MILITIA.

SEC. 219. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 220. The General Assembly shall provide for maintaining an organized militia, and may exempt from military service persons having conscientious scruples against bearing arms; but such persons shall pay an equivalent for such exemption.

SEC. 221. The organization, equipment, and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 222. All militia officers whose appointment is not herein otherwise provided for shall be elected by persons subject to military

duty within their respective companies, battalions, regiments, or other commands, under such rules and regulations, and for such terms, not exceeding four years, as the General Assembly may from time to time direct and establish. The governor shall appoint an adjutant-general and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers; and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The governor shall have power to fill vacancies that may occur in elective offices by granting commissions, which shall expire when such vacancies have been filled according to the provisions of this Constitution.

SEC. 223. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics, and banners of the Commonwealth of Kentucky.

GENERAL PROVISIONS.

SEC. 224. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

SEC. 225. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly, or of the governor when the General Assembly may not be in session.

SEC. 226. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

SEC. 227. Judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, assessors, county attorneys, and constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

SEC. 228. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar before they enter upon the practice of their profession, shall take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as

second in carrying a challenge, nor aided or assisted any person thus offending, so help me God!"

SEC. 229. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 230. No money shall be drawn from the State treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 231. The General Assembly may by law direct in what manner and in what courts suits may be brought against the Commonwealth.

SEC. 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 233. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 234. All civil officers for the State at large shall reside within the State, and all district, county, city, or town officers shall reside within their respective districts, counties, cities, or towns, and shall keep their offices at such places therein as may be required by law.

SEC. 235. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

SEC. 236. The General Assembly shall by law prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 237. No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

SEC. 238. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public officers, may be relieved of or discharged from suretyship.

SEC. 239. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept, or knowingly carry, a challenge to any person or persons to fight in single combat, with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or

profit in this Commonwealth; and if said acts, or any of them, be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

SEC. 240. The governor shall have power, after five years from the time of the offense, to pardon any person who shall have participated in a duel as principal, second, or otherwise, and to restore him to all the rights, privileges, and immunities to which he was entitled before such participation. Upon presentation of such pardon, the oath prescribed in section two hundred and twenty-eight shall be varied to suit the case.

SEC. 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go, and to whom belong; and, until such provision is made, the same shall form part of the personal estate of the deceased person.

SEC. 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured, or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by commissioners or otherwise; and, upon appeal from such preliminary assessment, the amount of such damages shall in all cases be determined by a jury, according to the course of the common law.

SEC. 243. The General Assembly shall by law fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals, and shall provide adequate penalties for violations of such law.

SEC. 244. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

SEC. 245. Upon the promulgation of this Constitution, the governor shall appoint three persons, learned in the law, who shall be commissioners to revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part. The said commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery for the time during which they are actually employed; and upon their certificate the auditor shall draw his warrant upon the treasurer. They shall have the power to employ clerical assistants, at a compen-

sation not exceeding ten dollars per day in the aggregate. If the commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the governor shall appoint another or others in his or their place.

SEC. 246. No public officer, except the governor, shall receive more than five thousand dollars per annum as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

SEC. 247. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor.

SEC. 248. A grand jury shall consist of twelve persons, nine of whom, concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the circuit courts, a jury shall consist of six persons. The General Assembly may provide, that, in any or all trials of civil actions in the circuit courts, three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel; but where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

SEC. 249. The House of Representatives of the General Assembly shall not elect, appoint, employ, or pay for, exceeding one chief clerk, one assistant clerk, one enrolling clerk, one sergeant-at-arms, one door-keeper, one janitor, two cloak-room keepers, and four pages; and the Senate shall not elect, appoint, employ, or pay for, exceeding one chief clerk, one assistant clerk, one enrolling clerk, one sergeant-at-arms, one door-keeper, one janitor, one cloak-room keeper, and three pages; and the General Assembly shall provide by general law for fixing the per diem or salary of all of said employees.

SEC. 250. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 251. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title, or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth.

SEC. 252. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction, and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

SEC. 253. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they cannot be confined in the penitentiary.

SEC. 254. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

SEC. 255. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

MODE OF REVISION.

SEC. 256. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session; and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the secretary of state in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time, nor shall the same amendment be again submitted within five years after a submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject; but no amendment shall be proposed by the

first General Assembly which convenes after the adoption of this Constitution. The approval of the governor shall not be necessary to any bill, order, resolution, or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

SEC. 257. Before an amendment shall be submitted to a vote, the secretary of state shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

SEC. 258. When a majority of all the members elected to each House of the General Assembly shall concur by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall in like manner concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the secretary of state by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes cast for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the secretary of state shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise, or amend this Constitution and such amendments as may have been made thereto.

SEC. 259. The convention shall consist of as many delegates as there are members of the House of Representatives ; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

SEC. 260. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days ; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

SEC. 261. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

SEC. 262. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections ; but the General Assembly shall, in the act calling

the convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

SEC. 263. Before a vote is taken upon the question of calling a convention, the secretary of state shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same into complete operation, it is hereby declared and ordained :—

1. That all laws of this Commonwealth in force at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly ; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them shall remain in force until such legislation is had, but not longer than six years after the adoption of this Constitution, unless sooner amended or repealed by the General Assembly.

2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county, or subdivision thereof, and all fines, taxes, penalties, and forfeitures due or owing to this State, or to any city, town, county, or subdivision thereof ; and all writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution ; and all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

3. All circuit, chancery, criminal, law and equity, law, and common pleas courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the judges of the circuit courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine ; and the causes, actions, and proceedings then pending in said first-named courts, which are discontinued by this Constitution, shall be transferred to, and tried by, the circuit courts in the counties, respectively, in which said causes, actions, and proceedings are pending.

4. The treasurer, attorney-general, auditor of public accounts, superintendent of public instruction, and register of the land office, elected in eighteen hundred and ninety-one, shall hold their offices until the first Monday in January, eighteen hundred and ninety-six, and until the election and qualification of their successors. The governor and lieutenant-governor elected in eighteen hundred and ninety-one shall

hold their offices until the sixth Tuesday after the first Monday in November, eighteen hundred and ninety-five, and until their successors are elected and qualified. The governor and treasurer elected in eighteen hundred and ninety-one shall be ineligible to the succeeding term. The governor elected in eighteen hundred and ninety-one may appoint a secretary of state and a commissioner of agriculture, labor, and statistics, as now provided, who shall hold their offices until their successors are elected and qualified, unless sooner removed by the governor. The official bond of the present treasurer shall be renewed at the expiration of two years from the time of his qualification.

5. All officers who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as provided in this Constitution, shall hold their respective offices until their successors are elected or appointed and qualified as provided in this Constitution.

6. The quarterly courts created by this Constitution shall be the successors of the present statutory quarterly courts in the several counties of this State ; and all suits, proceedings, prosecutions, records, and judgments now pending or being in said last-named courts, shall, after the adoption of this Constitution, be transferred to the quarterly courts created by this Constitution, and shall proceed as though the same had been therein instituted.

Ordinance.

We, the representatives of the people of Kentucky, in Convention assembled, in their name and by their authority and in virtue of the power vested in us as delegates from the counties and districts respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this date.

Done at Frankfort this twenty-eighth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and in the ninety-ninth* year of the Commonwealth.

CASSIUS M. CLAY, Jr.,
President of the Convention, and Member from the County of Bourbon.

THOMAS G. POORE,
Secretary.

* Error : should be "one hundredth."

AMENDMENT OF 1902, ADDED TO SECTION 181.

And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an *ad valorem* tax thereon: *provided*, cities of the first class shall not be authorized to omit the imposition of an *ad valorem* tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

AMENDMENT OF 1908, ADDED TO SECTION 177.

The credit of the Commonwealth may be given, pledged or loaned to any county of the Commonwealth for public road purposes, and any county may be permitted to incur an indebtedness in any amount fixed by the county, not in excess of five percentum of the value of the taxable property therein, for public road purposes in said county, provided said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose, in such manner as may be provided by law, and when any such indebtedness is incurred by any county said county may levy, in addition to the tax rate allowed under section 157 of the Constitution of Kentucky, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.

INDEX

Abolition movement, opposition to and effect of, 152, 153; extreme disapproval of, 154, 155; war a necessity for, 173; favored by Congress, 186; slavery abolished in District of Columbia, 186; Emancipation Proclamation issued, 196; Thirteenth Amendment passed, 203.
Act of Separation, first, 62, 63; second, 66.
Adair, Major John, defeated at Fort St. Clair, 97; at battle of the Thames, 125; elected governor, 129.
Adams, John Quincy, elected President, 134.
Adams, Major George M., elected to Congress, 207.
Adventures of Colonel Daniel Boone, by John Filson, 56.
Agricultural and Mechanical College established, 212.
Alabama secedes, 162.
Alexander, Robert, president of Bank of Kentucky, 113.
Alien and Sedition laws, passed, 105; Kentucky's opposition to, 105, 108; repealed, 109.
Allen, Alfred, Conservative nominee for treasurer, 206.
Allen, John, delegate to seventh convention, 77; counsel for Burr, 111; candidate for governor, 114; commands militia, 117; killed at Frenchtown, 119, 120; county named after, 120.
Amendments, Thirteenth ratified, 203; Fourteenth and Fifteenth ratified, 209.
American Colonization Society, 152.
American commerce interfered with, 116.
American, or Know-Nothing party, 157, 158.
Anderson, Major Robert, commander at Fort Sumter, 166; commander of Kentucky Federals, 176; issues proclamation of protection, 178.
Anderson, Richard C., member of Anti-Relief party, 129.
Andrews, Judge, L. W., member of Opposition party, 159.
Annexation of Texas, Clay's opposition to, 144; its effect, 156.
Anti-Federalists, 99, 100.
Anti-Relief party, organized, 129; becomes Old Court party, 134.
Antislavery, see Abolition movement.
Appellate courts, judges for, 215.
Appomattox Courthouse, Lee's surrender at, 203.
Army of Northern Virginia, surrender of, 203.
Arnold, Captain John, in War of 1812, 118.
Artistic productions in Kentucky, 137.
Athens of the West, Lexington's nickname, 55.
Atlantic States impoverished by Revolution, 51.

Baker, R. T., Republican nominee for lieutenant governor, 206.
Ballard, Bland, United States district judge, 179, 180.
Bank charters, granted, 128; repealed, 129.
Bank of Kentucky, chartered, 113, 128; established, 143.
Bank of Louisville, established, 143.
Bank of the Commonwealth, chartered, 129, 130; its currency destroyed, 134.
Banks of the United States, established at Louisville and Kentucky, 134; Jackson vetoes bill of recharter, 143.
Baptists in Kentucky, 84.
Barbour, James, commissioner at Logan's fort, 37.
Barbour, Major Philip N., killed at Monterey, 146.
Barclay, Commodore, defeated by Perry, 122, 123.
Bardstown, one of Kentucky's earliest towns, 55, 84.
Barlow, Thomas Harris, constructs model railroad, 137.
Barlow's Planetarium, 137.
Barnes, S. M., Republican nominee for governor, 206.
Barry, Major William T., his oratorical influence, 124, 125; favors Relief party, 129; elected lieutenant governor, 129; elected

chief justice, 132; candidate for governor, 135.
Bear Wallow, General Morgan's forces at, 188.
Beauregard, General, reënforces Johnston, 183.
Beck, James B., elected U. S. senator, 213; reëlected, 213.
Beckham, J. C. W., lieutenant governor, 219; governor, 219, 220; Democratic candidate for U. S. senator, 221; elected Senator, 223.
Bell, Joshua F., statesman, 159; delegate to Peace Conference, 165.
Benton, Mortimer M., nominee for judge, 201.
Bibb, George M., chief justice, 113; member Relief party, 129.
Big Bone Lick, early exploration of, 15.
Big Creek Gap, Kentucky invaded at, 190.
Bill, of repeal of court of appeals, 132; Compromise, 134, 135; Omnibus, 155, 156.
Bi-partisan boards, 224.
Bird, Captain Henry, captures Ruddle's and Martin's stations, 39.
Bivouac of the Dead, by Theodore O'Hara, 148.
Blackburn, Dr. Luke Pryor, elected governor, 213.
Blackburn, Gideon, president of Center College, 210.
Blackburn, J. C. S., elected U. S. senator, 213; Democratic caucus nominee for U. S. senator, 217; elected U. S. senator, 218.
Blackburn, William B., Anti-Relief candidate, 131.
Blennerhasset, Burr's accomplice, 110; his death in disgrace, 112.
Blue Licks, Boone's expedition to, 34, 35; battle of, 120.
Blythe, Dr., president of Transylvania University, 118.
Board of War established, 87, 88.
Boiling Springs, delegates from, 21, 22.
Boone, Daniel, pioneer in Kentucky, 12; captured by Indians, 13; rescues surveyors, 16; cuts roads through Kentucky, 19, 21; his influence in settling Kentucky, 19; his family settles in Kentucky, 23; his character, 24; captured by Indians, 34, 35; appointed lieutenant colonel, 40; at Blue Licks, 46, 47; his intercourse with Filson, 56.
Boone, Jemima, captured by Indians, 26, 27.
Boone, Squire, joins Daniel in Kentucky, 13.
Boonesborough, settled, 21; parliament at, 22; fort at, 22, 23; Indian attacks on, 30, 32, 35, 36, 42; school opened at, 38; one of oldest towns, 55.
Border States, attempt at compromise, 162, 163; proposed convention of, 163.
Boswell, Colonel, commander of volunteers, 121.
Botanical gardens at Lexington, projected by Rafinesque, 137.
Bourbon County, one of original nine counties, 84.
Bowling Green, headquarters of western Confederate army, 177; seat of Confederate government, 180; evacuated by Confederates, 182.
Bowman, John, member of first Harrodsburg court, 29, 30; colonel of Kentucky County, 30.
Boyd, Linn, death of, 189.
Boyle, General Jeremiah T., military commandant, 187, 188; his resignation, 198.
Boyle, John, chief justice, 130.
Bradford, John and Fielding, issue *Kentucke Gazette*, 72.
Bradford, John, address of welcome to Governor Shelby, 94.
Bradley, W. O., Republican candidate for governor, 216; first Republican governor of Kentucky, 216–218; elected U. S. senator, 221.
Brag, Colonel Braxton, commands Chattanooga forces, 189; his march through Kentucky, 191; his retreat, 192, 193.
Bramlette, Thomas Elliott, elected governor, 196.
Breathitt, John, elected governor, 136.
Breckinridge, John, president of Lexington Democratic Club, 99; appointed attorney-general, 102; offers Kentucky Resolutions, 107; appointed speaker, 109.
Breckinridge, John C., oration over Kentucky soldiers, 148; elected Vice President, 158; in favor of State convention, 163, 164; elected U. S. senator, 165; Confederate general, 179; superseded by Davis, 180.
Breckinridge, Mrs. Issa Desha, organizes Hart Memorial Association, 139, n. 1.
Breckinridge, Robert, votes for Federal constitution, 74; chosen speaker, 95.
Breckinridge, Rev. R. J., calms riot, 132, 133; president of Radical Union convention, 201, 202.
Breckinridge, William L., president of Center College, 210.
British, claims in Kentucky, 32; stations in America, 59; intrigue in Kentucky, 82, 83; possessions surrendered, 100, 101; soldiers captured in Canada, 124.
Brodhead, Daniel, opens store at Louisville, 54.

Brown, James, appointed secretary of state, 95.
Brown, John, member from Kentucky, of Congress of Confederation of States, 73; letter to sixth convention, 75; member of Board of War, 87; elected U. S. senator, 96.
Brown, John Mason, author of *Political Beginnings of Kentucky*, 73, n. 1.
Brown, John Young, elected governor, 216; candidate for governor, 218.
Brown, Rev. John H., address on Kentucky soldiers, 148.
Brown, Scott, adjutant general, 170, 179.
Bryan, William J., candidate for President, 217.
Bryan's Station attacked, 43–46.
Buchanan, James, elected President, 158.
Buckner, General Simon B., inspector of State Guards, 170; leader of State Guards, 177; Confederate commander, 182; governor, 214, candidate for Vice President, 217.
Buckner, Judge R. A., Sr. member of Anti-Relief party, 129; candidate for governor, 136.
Buckner, Judge R. A., member of Opposition party, 159; Unionist, 169.
Buell, General Don Carlos, commander of Kentucky forces, 181; commander of Federal troops, 183; reënforces Grant, 184; in central Tennessee, 190; enters Louisville, 191; avoids Confederates, 192.
Buena Vista, battle of, 146.
Bull Run, battle of, 174.
Bullitt, Alexander Scott, chosen speaker, 95; president of second convention, 108; elected lieutenant governor, 109.
Bullitt, Captain Thomas, surveyor in Kentucky, 15.
Bullock, Rice, votes for Federal constitution, 74.
Burbridge, General Steven G., commander of Kentucky forces, 198; his oppressive military rule, 199, 200; interferes with elections, 201; deposed, 202.
Burnam, Judge C. F., member of Opposition party, 159; member of Unionist party, 169; joins Republicans, 207.
Burnett, Henry C., U. S. representative in Congress of 1861, 170; delegate to Virginia, 180.
Burr, Aaron, his conspiracy, 110; indicted by Daveiss, 111; festivities in his honor, 112; his trial and disgrace, 112.
Bush, Joseph H., artist, 138.
Butler, General Richard, killed at Wabash River, 89.
Butler, General William O., Democratic nominee for governor, 144; his military exploits, 144; in Mexican War, 145; wounded at Monterey, 146; delegate to Peace Conference, 165.

Cahokia, French village, 32.
Caldwell and McKee's army, 42, 43.
Caldwell, Colonel, commands regiment, 121.
California applies for admission, 156.
Call, Richard Ellsworth, author of *Life of C. S. Rafinesque*, 137, n. 1.
Callaway, Richard, member of first Harrodsburg court, 29, 30; his daughter captured by Indians, 26, 27.
Camden, Johnson M., Senator, 223.
Camp Boone, Confederate regiments at, 173.
Camp Clay, Federal regiments at, 173.
Camp Dick Robinson, Federal regiments at 174.
Camp Joe Holt, Federal regiments at, 173.
Camp Wild Cat, battle of, 180.
Canada, march of Harrison's army into, 124, 125.
Capitol, built in 1905–1909, 221.
Carlisle, John G., elected lieutenant governor, 210; secretary of treasury, against free silver, 216.
Catholics in Kentucky, 84.
Centenary of Kentucky, by Durrett, 29, n. 1.
Centenary of Kentucky's admission, celebrated, 215.
Center College chartered by Presbyterians, 210.
Cerro Gordo, attack on, 147.
Chamberlin, Jeremiah, president of Center College, 210.
Change of party names, 141.
Characteristics of Kentuckians, 62.
Charters of banks, granted and repealed, 128, 129.
Chattanooga, Confederate forces organized at, 189.
Cherokees, claim Kentucky, 20; fear of their invasion, 60; treaty with English, 20.
Chillicothe, Indian settlement at, 35.
Christian church in Kentucky, 85.
Cincinnati, original town on site of, 56; proposed capture of, 190.
Circuit courts, increase in number of 215.
Citizenship, negroes obtain right of, 209.
Civil affairs in Kentucky, 141–150.
Civil conflicts in Kentucky, 196–204.
Civil War, 151–204.
Clark, General George Rogers, expedition into Illinois country, 33, 34; attack on Indian

towns, 40; reported attack on Shawnee Indians, 42, 43; commander in attack on Indians, 48; retires, 60; attack on Wabash Indians, 65; accepts commission as major general, 100.
Clark, James, declares Replevin Act unconstitutional, 130; elected governor, 141.
Clark County citizens against Alien and Sedition laws, 106, 107.
Clarksville, gathering against Indians at, 64.
Clay, Brigadier General Green, commander of Kentucky volunteers, 121.
Clay, Cassius M., leader of antislavery movement, 154; abolition nominee for governor, 157.
Clay, Cassius M., Jr., candidate for Democratic nomination for governor, 216.
Clay, Henry, opposes Alien and Sedition laws, 107; counsel for Aaron Burr, 111; debate with Daveiss, 112; speech at Georgetown, 118; his temporary disfavor in Kentucky, 134, 135; his Compromise Bill or Omnibus Bill, 135, 155, 156; elected to U. S. Senate, 135; candidate for presidency, 136, 144; opposes annexation of Texas, 144; president of American Colonization Society, 152; his resignation from Senate, 157.
Clay, James B., delegate to Peace Conference, 165; arrest of, 178.
Clay, Lieutenant Colonel Henry, in Mexican War, 145; killed at Buena Vista, 146.
Cleveland, Grover, his policy against free silver, 216.
Coal production of Kentucky, 224.
College of Electors, 89.
Columbus, Confederates at, 175; evacuated by Confederates, 182.
Commerce, interference with American, 116.
Commissioners, elected by House of Representatives, 96.
Committee of sixty, confiscate *The True American*, 154, 155.
Compromise, Crittenden's attempt at, 162, 163; Border States attempt at, 162, 163; futility of efforts towards, 165.
Compromise or Omnibus Bill, Clay's, 134, 135, 155, 156.
Confederate Colonies' struggle for independence, 50.
Confederate forces, in Kentucky, 173–175; resolutions against, 175, 176; Kentuckians join ranks of, 178; arrest of prominent citizens, 178; abandon Kentucky, 193; return to Kentucky, 205.
Confederate government of Kentucky, organized, 174, 180, 181.
Confederate line of possession, 181.
Confederate States of America, government framed, 165; Kentucky desires admission to, 173.
Congress of Confederation of States, course in regard to Indian troubles, 60, 64.
Congress, proposes treaty with Spain, 70; hears Kentucky's petition for admission, 73; considers adoption of new Federal constitution, 73, 74; Kentucky's application referred to new, 75; Muter advises new appeal to, 77; Wilkinson's speech against, 78; delay in granting Kentucky its statehood, 82; passes Alien and Sedition laws, 105; act of denounced by Clay, 107; special session called, 170; favors abolition, 186; adopts obnoxious military policy, 187; free wives of negro soldiers, 208.
Connolly, Dr. John, orders survey of Louisville, 15; British agent, 82, 83.
Conservative party, in temporary power, 134; called Conservative Union party, 159; opposed to laws against slavery, 167; controls elections of 1863, 196; welcomes the Confederates, 205; its downfall, 206.
Conservative Union conventions against Lincoln, 202.
Conspiracies in Kentucky, First Spanish, 69–81; British, 82, 83; French, 99, 100; Second Spanish, 101; Third Spanish, 105; Aaron Burr's, 110.
Constitution, Federal, adopted, 74; Thirteenth Amendment adopted, 203; Fourteenth and Fifteenth Amendments adopted, 209.
Constitution of Kentucky, first, 89; second, 108; third, 150; fourth, 216, 217; text of, 227, 272.
Constitutional convention, at Danville, 89; of 1890, 214.
Continental Congress, 29.
Convention for independence, first, 61; second, 62; third, 62; fourth, 62, 65; fifth, 73; sixth, 75, 76; seventh, delegates to, 76; seventh, meeting of, 77, 78; eighth, 83; ninth, 83; tenth, 83, 89.
Convention for considering secession, proposed, 163, 164.
Convention, for revising State constitution called, 105; from the seceded States, at Montgomery, 165; constitutional, in 1890, 214.
Coomes, Mrs. William, opens school at Harrodsburg, 38.
Cornstalk, chief of Shawnee Indians, 16–18.
Cornwallis' surrender, 50.
Corporations, legal provisions for, 215.
Council of war in 1812, 123.

Country party, in struggle for independence, 63; at time of Spanish conspiracy, 76; at Fayette election, 77; claims in seventh convention, 78.
County of Kentucky, established, 29–39; population in 1777, 32; division of the county, 40–49.
County Unit Extension Bill, 222.
Court of appeals, 96; decision as to Replevin Act, 130; judges attempt to remove, 131, 132; newly organized, 132; abolished, 134.
Court party, in struggle for independence, 63; at time of Spanish conspiracy, 76; at Fayette election, 77; claims in seventh convention, 78; further efforts after separation, 79.
Cowan, John, intercourse with Filson, 56.
Cowpens, battle of, 91.
Cox, Colonel, 121.
Cox, W. H., lieutenant governor, 221.
Caddock, J. J., nominee for register, 206.
Craig, John, trustee of Transylvania University, 57.
Craig, Rev. Lewis, preaches in Kentucky, 84.
Criminal code revised, 105.
Crisis in Kentucky history, 80.
Crittenden, General George B., defeated at Mill Springs, 181.
Crittenden, Major General Thomas L., appointed commander of militia, 176; reënforces Federals, 192.
Crittenden, Major John J., his oratorical influence, 124, 125; member Anti-Relief party, 129; elected governor, 149; his career, 149; leader of Whig party, 157; type of Conservative Unionists, 159; offers compromise propositions, 162; address on Union standpoint, 165; leaves Senate, 165; speech for neutrality, 166; Union delegate to Congress, 170; his influence in holding Kentucky loyal, 170, 171; opposed to abolition, 186.
Crockett, Colonel Joseph, delegate to seventh convention, 77; obtains signatures against illegal separation, 79.
Crow's Station (Danville), courthouse built near, 52, 53; meeting of University trustees at, 57.
Cumberland Gap, Confederate forces near, 175.
Currency, its development in early days, 128.
Currency question, an issue in Kentucky, 216; Democrats divided on account of free silver question, 217.
Cynthiana, conflict at, 189.
Daniel, Walker, attorney-general of Kentucky District, 52; trustee of Transylvania University, 57; killed by Indians, 52.
Danville, founding of, 53; one of Kentucky's oldest towns, 55; meeting of military officers at, 60, 61; meeting of separation conventions at, 61–63; navigation question discussed at, 71; political club founded at, 74; sixth convention at, 75; tenth convention at, 89.
"Dark and Bloody Ground," Kentucky's nickname, 11.
Daveiss, Joseph Hamilton, indicts Aaron Burr, 111; debate with Henry Clay, 112; death at Tippecanoe, 115; county named after, 115.
Davidge, Rezin H., associate justice, 132.
Davis, Garrett, appointed U. S. senator, 180; opposed to abolition, 186; represents Kentucky in U. S. Senate, 209.
Davis, Jefferson, born in Todd County, Kentucky, 161; elected president of Confederate States of America, 165.
Dawson, J. A., elected register, 207.
De Quindre, Captain, at Boonesborough, 36.
De Soto's expedition to the Mississippi, 69.
Deboe, W. J., first Republican U. S. senator from Kentucky, 218.
Declaration of Independence adopted, 29.
Defeat at Camden, Gates's, 90.
Democrat, published in Louisville, 159.
Democratic party, opposed to Federalists, 99; strong in Kentucky, 108, 109; of 1798, 131; Democratic Republican party merged into 143; its supremacy in Kentucky, 158; views at time of secession, 163, 164; belief in State Rights, 167; opposed to laws against slavery, 167; convention against Lincoln, 202; in power after the war, 205–207; Conservatives unite with, 206; Freedmen's Bureau strengthens power, 209; majority reduced on account of negro vote, 210; its continued power in Kentucky, 214, 216, 222; divided on currency question, 217, divided on Goebel election law, 219; administrations of Governor Beckham, 220.
Democratic Republican party, rise and fall in power, 135, 136; merged into Democratic party, 143.
Democratic State convention at Frankfort, 206; at Louisville, 216.
Democratic Union party, in election of 1864, 200.
Denman, Matthias, partner of Filson, 156.
Denominational colleges in Kentucky, 210.
Denton, Thomas, settles at Harrodsburg, 23.
Depression, financial, 127, 128, 143, 216.

Desha, General Joseph, at battle of the Thames, 125; member of Relief party, 129; elected governor, 131.
District of Columbia, slavery abolished in, 186.
District of Kentucky, 50–58.
Dixon, Archibald, elected U. S. senator, 157.
Doctrine of nullification, anticipated in Kentucky, 107.
Doctrine of State Rights, 107, 108.
Donelson, Fort, surrender of, 182.
Doniphan, Joseph, opens school at Boonesborough, 38.
Donne, Mrs. Martha, 54.
Douglas, James, surveyor in Kentucky, 15.
Dudley, Colonel, at Maumee, 121; defeated by Proctor, 122.
Dudley, William A., appointed quartermaster general, 179.
Duncan, Colonel Blanton, Confederate commander, 174.
Dunlap, George W., Union delegate to Congress, 170.
Dunmore, governor of Virginia, 16.
Durrett, Reuben T., author of *Centenary of Kentucky*, 29, n. 1; author of *Life of John Filson*, 55, n. 1; arrest of, 178; president of Filson Club, 213, 214.
Duvall, Judge Alvin, nominee for reëlection 200.

Edmonson, county named after, 120.
Education in Kentucky, early, 38, 57; at close of war, 210, 211; higher education, 212, 213.
Edwards, John, in seventh convention, 79; elected U. S. senator, 96.
Edwards, Ninian, chief justice and governor of Illinois, 113.
Eighth independence convention, 83.
Election, method of, 90; change in method, 108, 109.
Elkhorn, first steamboat on the, 102.
Emancipation, see Abolition movement.
Emancipation Proclamation issued, 196.
Emancipation ticket, first, 157.
English, claims in Kentucky, 14; hostility to Kentuckians, 32; settle Jamestown, 69; bitter feeling against, 98; anticipate war with U. S., 114; at war with France, 116; insults to American vessels, 116.
Episcopalians in Kentucky, 85.
Era of transition, 212–225.
Estill, Captain, defeat of, 42, 43.
Executive power vested in governor, 89; changes in executive State department, 215.
Expedition against New Orleans, 99, 100.

Factories, establishment of, 127.
Fallen Timbers, battle of, 100.
Fayette County, established, 40; proposed attack on, 43; part of Kentucky District, 51; election at, 77; Connolly's intrigue in, 83; one of original nine counties, 84.
Federal constitution, adoption of new, 73, 74.
Federal government, Wilkinson prejudices Kentucky against, 70, 71; hears of French conspiracy, 100; Kentucky's opposition to, 101, 102; its powers, 151; Kentucky declares for, 175.
Federalist party, opposed to Anti-Federalists, 99; opposed by Kentuckians, 102; in temporary power, 102; opposed to Democrats, 109; Daveiss adheres to, 111; in 1798, 131.
Federals, their forces in Kentucky, 173–175. soldiers from Kentucky, 179, 194; antagonism to, 186, 187; as raiders, 198; attempt to control elections, 200.
Ferguson, his army destroyed, 91.
Field, John, commander at Point Pleasant, 17.
Field, Lieutenant Colonel Ezekiel H., in Mexican War, 145.
"Fiery Cross, The," Scotch symbol, 46, n. 1.
Fifteenth Amendment ratified, 209.
Fifth independence convention, 73.
Fillmore's cabinet, 149.
Filson, John, author of first history of Kentucky, 55–57.
Filson Club, started, 215; its publications, 21, n. 2, 29, n. 1, 74, n. 1, 213.
Financial depression, 127, 128, 143, 216.
Financial prosperity, 128, 208, 211.
Fincastle County, Kentucky a part of, 29.
Findley, John, pioneer in Kentucky, 12.
Finnel, John W., appointed adjutant general, 179.
First constitutional convention, 107.
First governor of Kentucky, 90–92.
First independence convention, 61.
First invasion of Kentucky, 173–185.
First newspaper in Kentucky, 72.
First organized church in Kentucky, 84.
Fisk, John F., elected to Senate, 189.
Fitch, John, inventor of steamboat, 84, 103.
Fleming, William, commander at Point Pleasant, 17; commissioner at Logan's fort, 37.
Florida, discovered by Ponce de Leon, 69; secedes, 162.
Floyd, John, surveyor in Kentucky, 14, 15; member of first Harrodsburg court, 29, 30; appointed colonel, 40; rescued by Wells, 41, 42; attack on Indians, 48; elected judge, 51; killed by Indians, 52.

Floyd, General John B., Confederate commander, 182.
Fort Donelson, surrender of, 182.
Fort Greenville, built, 97.
Fort Henry, surrender of, 182.
Fort Meigs, siege of, 121.
Fort Recovery, General Wayne at, 100.
Fort Stanwix, treaty of, 14.
Fort Sumter, first gun fired at, 165.
Founding of the Commonwealth, 93–150.
Fourteenth Amendment ratified, 209.
Fourth independence convention, 62, 65.
Frankfort, made capital of Kentucky, 96, 97; constitutional convention at, 108; heroes of Buena Vista buried at, 148; Democratic State convention at, 206.
Frazer, Oliver, pupil of Jouett, 138.
Free silver, adherents and opponents to doctrine of, 216, 217.
Free students in State University, how appointed, 213.
Freedmen's Bureau, established, 208; opposition to, 209.
French, claims in Kentucky, 14, 32; attack Boonesborough, 35, 36; their religious persecutions, 69; declare war against England, Spain, and Holland, 98; conspiracy in Kentucky, 99; war with England, 116.
French and Indian War, 14, 32.
French Revolution, its horrors unknown in Kentucky, 99; revulsion of feeling in regard to, 102.
Frenchtown, battles of, 118, 119, 120.
Friends of Humanity, Christian Association, 112, 113.
Fry, Colonel Speed Smith, Federal commander, 181.
Fry, Major Cary H., in Mexican War, 145.

Gaines, Major John P., in Mexican War, 145.
Gardoqui, Spanish minister, rejects Jay's proposition, 70; Brown's interview with, 75.
Garrard, Colonel J. J., commander of Federal forces, 180.
Garrard County, Federal forces in, 174.
Garrard, James, second governor of Kentucky, 105; elected governor, 109.
Gates's defeat at Camden, 90.
General Assembly in Kentucky government, 89; grants school suffrage to women, 211.
Genet, Citizen, minister of France, 99; recalled to France, 100.
Geological survey established, 211.
Georgetown, incorporation of, 23; Democratic Club at, 99; Kentucky forces assembled at, 117.
Georgia secedes, 162.
Girty, Simon, the "White Renegade," 45.
Gist, Christopher, pioneer in Kentucky, 12.
Glasgow, General Bragg at, 191.
Goebel, William, State senator, 218; nominated for governor, 218; assassinated, 219; governor, 219.
Gold, paper currency substituted for, 128.
Gold standard, in Kentucky politics, 216, 217.
Government, of Kentucky, 89, 90, 93–104; of Confederate States of America, 165; Confederate, established in Kentucky, 180, 181.
Governor, executive power in Kentucky, 89; method of election, 89; change in method of election, 108, 109.
Grant, General U. S., orders troops into Kentucky, 175; captures Forts Henry and Donelson, 182; gains victory at Shiloh, 184; Lee's surrender to, 203.
Graves, Benjamin, 119; county named after, 120.
Green, Lewis W., president of Center College, 210.
Green, Thomas Marshall, author of *The Spanish Conspiracy*, 72.
Green, Willis, trustee of Transylvania University, 57.
Greenup, Christopher, his intercourse with Filson, 56; trustee of Transylvania University, 57; elected governor, 113; ex-governor, 118.
Greenville, one of Kentucky's oldest towns, 55.
Greenville, Fort, built, 197.
Grider, Henry, Union delegate to Congress, 170.
Grundy, Felix, appointed chief justice, 113.
Guerrillas, depredations of, 187, 188, 198, 199.
Guthrie, James, statesman, 159; delegate to Peace Conference, 165; lawyer, 201; leader in Conservative Union convention, 202.

Haggin, James, associate justice, 132.
Hamilton, Alexander, killed by Aaron Burr, 110.
Hanson, Roger W., leader of Confederates, 179, 182.
"Hard Winter" of Kentucky, 38.
Hardee, Major General William J., Confederate commander, 192.
Hardin, Colonel John, commander Kentucky Volunteers, 87; murdered by Indians, 97.
Hardin, Major Martin D., 119.
Hardin, P. W., advocates free silver, 216; candidate for governor, 216.

Harding, Aaron, Union delegate to Congress, 170; opposed to abolition, 186; speech against negro recruiting, 198.
Harlan, John M., Conservative nominee for attorney-general, 206; joins Republicans, 207; Republican candidate for governor, 210.
Harlan, Major, at Blue Licks, 46, 47.
Harmar, General, commands expedition against Indians, 86, 87; defeated, 87.
Harney, B. M., Conservative nominee for superintendent of public instruction, 206.
Harney, John H., editor of Louisville *Democrat*, 159.
Harrison County officers arrested, 178.
Harrison, General William H., at battle of Tippecanoe, 114; appointed commander of Kentucky militia, 118; appointed commander of army of the Northwest, 118; orders embarkation for Canada, 123.
Harrod, James, settles in Kentucky, 16, 19; his intercourse with Filson, 56.
Harrodsburg, founding of, 16; permanently settled, 19; delegates from, 21; made county seat, 29; Indian attack on, 30; school opened at, 38; opening of court at, 52, 53; one of earliest towns, 55; General Smith's corps at, 192.
Hart, Captain Nathaniel, purchases Cherokee title, 20.
Hart, Joel T., sculptor, 138, 139.
Hart, Nathan G. T., commander of Lexington Light Artillery, 118; county named after, 120.
Hart Memorial Association, 139, n. 1.
Hawes, Richard, inaugurated provisional governor of Kentucky, 191.
Helm, Ben Hardin, leader of Confederates, 179.
Helm, John L., inaugurated governor, 149; elected governor, 207; death of, 207.
Henderson, Colonel Richard, head of Henderson & Co., 20.
Henderson, Samuel, married to Betsy Callaway, 27.
Henry, Fort, surrender of, 182.
Hickman, Captain, killed at Blue Licks, 120; county named after, 120.
Hickman, Confederates at, 175.
Hickman, Rev. William, preacher in Kentucky, 84.
Hogan, Richard, settles at Harrodsburg, 23.
Holly, Dr. Horace, president of Transylvania University, 137.
Home Guards, funds raised for, 169, 170; Federals, 177; their lack of discipline, 178.
"Home of the Silent Brotherhood" founded, 84.
Hopewell, last town of colonial period, 84.
House of Representatives in Kentucky government, 89.
House resolutions, synopsis of, 168, n. 1.
Houston's Station, now Hopewell, 84.
Huguenots persecuted in France, 69.
Hull, General, surrender to British, 118.
Hunt, Charlton W., calms riot, 132, 133.
Hunter, W. Godfrey, Republican caucus nominee for U. S. senator, 217.
Hurt, J. S., Conservative nominee for auditor, 206.

Immigration to Kentucky, 9, 51.
Inauguration ceremonies for first governor of Kentucky, 93–95.
Independence of Kentucky, see Separation.
Indians, in Kentucky, 10, 11; hostilities, 13, 14, 16–18, 21, 30–39, 40, 41, 59, 60, 63, 64, 85–89, 97, 114, 115; claims in Kentucky, 14, 32; titles sold, 19, 20; besiege Boonesborough, 35, 36; at Bryan's Station and Blue Licks, 43, 48; killed by Kentuckians, 66, 67; complaint against Kentuckians, 67; Wilkinson's speech on, 78; troubles ended temporarily, 102; massacre at Raisin, 120; their cruelties, 122.
Indian troubles, a political issue, 98.
Industrial progress, since 1880, 223.
Innes, Hary, attorney-general, 62, 67; member Board of War, 87; U. S. district judge, 96.
Invasion of Kentucky, first, 173–185; second, 186–195.
Inventors in Kentucky, 84, 103, 137.
Ivy Mountain, battle of, 180.

Jackson, General Andrew, at New Orleans, 126; candidate for presidency, 134, 135; President, 136; second term, 142, 143.
Jackson, James S., Union delegate to Congress, 170.
Jacob, Colonel Richard T., joins Union party, 168; offers synopsis of House resolutions, 168, n. 1; chosen lieutenant governor, 196; arrested, 198.
Jacobin clubs of France, 99.
James, Ollie M., senator, 222.
Jamestown settled by the English, 69.
Jay, John, proposes treaty with Spain, 70; secures treaty with Great Britain, 100.
Jefferson County, established, 40, 84; becomes part of Kentucky District, 51.
Jefferson, Thomas, Breckinridge a member of his cabinet, 99; drafts Kentucky Resolutions, 107; elected President, 109.
Johnson, Colonel James, raises company, 118.

Johnson, Colonel Richard M., raises company, 118; in the Canada campaign, 124; kills Tecumseh, 125.
Johnson, George W., Confederate leader, 179; elected governor, 180; killed at Shiloh, 191.
Johnson, Madison C., lawyer, 201.
Johnson, Robert, trustee of Transylvania University, 57.
Johnston, General Albert Sidney, commands western Confederate forces, 177; at Murfreesboro, 183; killed at Shiloh, 184.
Jouett, Matthew Harris, portrait painter, 138.
Journal, published at Louisville. 159.
Judges of court of appeals, how appointed, 90; attempt to remove, 131, 132.
Judicial power, 89, 90.
Judicial State department, changes in, 214.
Judiciary, elective by people, 150.

Kanawha River, battle near, 16–18.
Kaskaskia, French village, 32.
Kennedy, William, intercourse with Filson, 56.
Kenton, Simon, pioneer in Kentucky, 16; Indian scout, 24, 26.
Kentucke Gazette, first newspaper in Kentucky, 72; Muter's address in, 76; Bradford, editor of, 94.
Kentucky, by Professor N. S. Shaler, 92, n. 1.
Kentucky, derivation of name, 29, n. 1; pioneer days, 9–49; first white men in, 9–18; early settlements, 19, 28; the county, 29–39; division of county, 40–49; struggle for independence, 50, 92; Kentucky District, 50–58; beginning of struggle, 59–68; Spanish conspiracy, 69–81; end of struggle, 82–92; founding of the Commonwealth, 93–150; organizing of State government, 93–104; political situation from 1796, 105–115; War of 1812, 116–126; local affairs, 127–140; civil affairs and Mexican War, 141–150; Civil War, 151–204; situation during Civil War, 151–172; invasions during Civil War, 173–195; civil conflicts, 196–204; the new Kentucky, 205–225; restoration of peace, 205–211; transition era, 212–225; constitution of Kentucky, 227–272.
Kentucky Insurance Company, chartered, 113.
Kentucky Resolutions of 1798, by E. D. Warfield, 107 and n. 1.
Kentucky University, State College a part of, 212; change of name, 212.
King's Mountain, battle of, 87, 91.
Kinkead, George Blackburn, lawyer, 201.
Kinkead, Judge W. B., member of Opposition party, 159; his article on J. J. Crittenden, 171; Conservative nominee for governor, 206; chairman of executive board of State College, 212.
Knott, J. Proctor, elected governor, 213.
Know-Nothing party, 157, 158.
Knox, Colonel James, pioneer in Kentucky, 14.
Kuklux or Regulators, 209, 210.

La Salle, French pioneer and explorer, in Kentucky, 12, 32.
Lafayette, Marquis de, Kentucky's reception of, 136.
Land laws passed in Virginia, 37.
Landrum, Colonel John J., defeated at Cynthiana, 189.
Lee family, surveyors in Kentucky, 15.
Lee, General Robert E., surrenders to Grant, 203.
Leestown, one of oldest towns in Kentucky, 55.
Legislative office closed to ministers, 90.
Legislative power, vested in General Assembly, 89, 90; its limitations, 90.
Legislative State department, changes in, 217.
Legislature, selects Frankfort as permanent capital, 96; its money-raising power abolished, 150; its powers, 164; opposed to State convention, 164, 165; in favor of neutrality, 167, 168; condemns action of Home Guard, 178; pardons all Confederates, 205.
Leslie, Preston H., elected governor, 210; appoints Shaler chief of geological survey, 211.
Letcher, Robert P., elected governor, 143.
Lewis, Colonel Charles, commander at Point Pleasant, 17.
Lewis, Colonel William, commands militia, 117; wounded at Frenchtown, 119.
Lewis, General Andrew, commander at Point Pleasant, 16, 17.
Lexington, founded in 1779, 37; largest town in old Kentucky, 55; Transylvania University established at, 58; Wilkinson's display at, 71, 72; first capital of Kentucky, 93; first inauguration ceremonies held at, 93–95; Democratic Club, at 99; Burr in, 111; furnishes militia, 117; manufactories in, 128; U. S. bank established at, 134; Lyceum established at, 137; abolition newspaper issued at, 154; Confederates at, 190; Bragg's march to, 191; centenary celebration at, 215.
Lexington, battle of, 37.
Lexington Light Artillery, 118.
Lexington Light Infantry, 94.
Lexington *Observer and Reporter*, 159.
Licking River, settlements invaded, 39; crossed at battle of Blue Licks, 46, 47, 48.

Lieutenant governor, office created in Kentucky, 109.
Life and Writings of C. S. Rafinesque, by R. E. Call, 137, n. 1.
Life of John Filson, by R. T. Durrett, 55, n. 1.
Limestone, immigration to, 54.
Lincoln, Abraham, born in Larue County, Kentucky, 161; elected President, 162; inaugurated, 165; issues Emancipation Proclamation, 196; calls for volunteers, 197; reëlected, 202; his assassination, 203.
Lincoln County, established, 40, 84; Indian attack in, 66.
Lindsay, William J., U. S. senator, 218.
Lindseys, founders of Lexington, 37.
Little Turtle, Indian chief, 97.
Local affairs in Kentucky, 127, 149.
Local Board of War, 87.
Local option in Kentucky, 222.
Logan, Benjamin, settles in Kentucky, 19, member of first Harrodsburg court, 29, 30; rescues his companion, 31, 32: appointed colonel, 40; at Blue Licks, 46, 48; commander at Bryan's Station, 48; calls officers' meeting, 60; attack on Shawnee Indians, 65; commander in Lincoln County, 66; member of Board of War, 87.
Logan's fort, Indian attack on, 30; land commissioners meet at, 37.
Logan's Station, delegates from, 21, 22.
"Long Hunters, The," pioneers in Kentucky, 13, 14.
Losantiville, founding of, 56.
Louisiana, purchased from the French, 109; secedes, 162.
Louisville, founded, 33, 34; its social life, 54, 55; Connolly's intrigue in, 82, 83; Burr in, 111; its manufactories, 128; U. S. bank established at, 134; Federal army organized at, 181; legislature adjourns to, 190; proposed capture of, 190; Buell in, 191; Filson Club started in, 213; Democratic State convention at, 216.
Louisville *Courier*, 178.
Louisville *Democrat*, 159.
Louisville Falls, immigration to, by flatboat, 53, 54.
Louisville *Journal*, 159.
Louisville legion, resolutions in honor of, passed by legislature, 146.
Lyceum, established in Lexington, 137.
Lyne, Edmond, commissioner at Logan's fort, 37.
Lyon, Colonel H. B., Kentucky Confederate leader, 182.
McAfee family, surveyors of Kentucky, 15, 16; settle on Salt River, 19.
McAfee, General Robert B., elected lieutenant governor, 131.
McBride, pioneer in Kentucky, 12.
McClellan, General George B., factions in favor of, 202; receives majority in Kentucky, 202.
McClellan, John, settles in Kentucky, 23.
McClellan's Station, founded, 23.
McConnels, founders of Lexington, 37.
McCook, Major General Alexander, Federal commander at Perryville, 192.
McCreary, James B., elected governor, 213, 221; elected U. S. senator, 218; again elected governor, 222.
McDermott, E. J., lieutenant governor, 222.
McDowell, Samuel, judge of Kentucky District, 51, 52; trustee of Transylvania University, 47; president of convention for independence, 61, 62; president of sixth convention, 75.
McGary, Hugh, settles at Harrodsburg, 23.
McGary, Major, at Blue Licks, 46, 47.
McHenry, Colonel John H., Federal, 182.
McKee and Caldwell's army, 42, 43.
McKee, Colonel William R., in Mexican War, 145; killed at Buena Vista, 146.
McKinley, William, elected President, 217.
"Mad Anthony," General Wayne's nickname, 97.
"Mad River," burning of Indian towns on, 65.
Madison County, 84.
Madison, George, at Frenchtown, 119; death of, 127.
Magoffin, Beriah, elected governor, 158; his message to the legislature, 163; refuses to furnish troops, 166; in sympathy with Confederates, 175; resigns, 189.
Magruder, Captain Billy, leader of guerrillas, 199.
Mallory, Robert, Union delegate to Congress, 170.
Manassas Junction, battle near, 174.
Manson, General, attack on Confederates, 190.
Marshall, Colonel Thomas, surveyor for Fayette County, 40; delegate to seventh convention, 77; action in seventh convention, 79; opposes British intrigue, 83.
Marshall, Humphrey, candidate for delegate to fourth convention, 63; votes for Federal constitution, 74; elected U. S. senator, 102.
Marshall, Col. Humphrey, in Mexican War, 145; leader of Confederates, 174, 179.
Marshall, John, presents petition to Virginia Assembly, 66.

Marshall, John, lieutenant governor, 219
Marshall, Thomas A., lawyer, 201.
Marshall, Thomas F., orator and scholar, 142.
Marshall, Thomas, brigadier general, 145.
Martial law, Kentucky placed under, 187; prior to election of 1863, 197.
Martin's and Ruddle's stations captured, 39.
Mason County, 84.
Masterson, James, pioneer of Kentucky, 37.
Matthews, George, at battle of Point Pleasant, 17.
Maumee River, Kentucky troops at, 118; siege in, 121.
May, George, surveyor for Jefferson County, 40.
May, John, clerk of Kentucky District, 52; killed by Indians, 52.
Maysville, formerly Limestone, 54.
Mechanical and Agricultural College established in Kentucky, 212.
Mediatorial neutrality, Kentucky maintains, 167, 168; meaning of, 168, 175, n. 1.
Meigs, Fort, siege of, 121.
Menefee, Richard H., his career, 141, 142.
Menendez establishes first Spanish colony, 69.
Menzies, John W., Union delegate to Congress, 170.
Mercer County, Kentucky, selected for settlement, 16, 84.
Metcalf, Henry, chief of guerrilla raiders, 199.
Metcalf, Thomas, elected governor, 135.
Methodist revival, 112, 113.
Methodists in Kentucky, 85.
Mexican War, 141–150; Kentucky troops in, 145.
Mexico, proposed conquest of, 110; war declared with, 145; capture of City of, 147; surrenders territory to United States, 147.
Miami Indians, expedition against, 60, 87, 88.
Miami, battle on the, 100.
Miami towns, burning of, 48.
Military and land interests in early Kentucky, 40.
Military oppression, 198–200.
Military policy adopted by Congress, 187.
Military posts in the Northwest, 59.
Militia, demanded by the President, 117.
Mill Springs, battle of, 181.
Mills, Benjamin, associate justice, 130.
Mineral wealth of Kentucky, 211, 223.
Miro, Spanish governor of New Orleans, 71.
Mississippi River, De Soto's exploration of, 69; Spanish possessions on, 69, 70; Americans desire to navigate, 70; its importance to Kentucky, 71; Kentucky's valuation of navigation of, 75; British plan to gain its navigation, 83; its navigation a political issue, 98; resolution of Lexington Club in regard to, 99; granted to U. S. by treaty with Spain, 101; thrown open to Kentucky, 102.
Mississippi secedes, 162.
Missouri Compromise Bill, 134, 135.
Mob law in Kentucky, 210.
Monetary issue, in State election, 216; in national election, 217.
Monroe, Thomas B., superseded by Ballard, 180.
Monterey, battle of, 146.
Montgomery, convention of seceded States at, 165.
Morehead, Charles S., elected governor, 158; delegate to Peace Conference, 165; arrest of, 178.
Morgan, John Hunt, leaves State Guard, 177; Confederate raider, 188, 189, 193.
Morrisons, pioneers in Kentucky, 37.
Mound Builders, 9, 10.
Mount Sterling, fight near, 42.
Murray, William, opposes *Kentucky Resolutions of 1798*, 108.
Muter, George, judge of Kentucky District, 51, 52; chief justice, 62; address to the people, 76; delegate to seventh convention, 77; judge in court of appeals, 96; resigns from office, 113.

Nashville, Federal troops take possession of, 183; General Bragg at, 191.
Natchez, Spanish negotiations at, 101.
National administration, opposed to free silver, 216.
National convention, Kentucky delegates to, 201, 202.
National politics in 1896, 217.
National Republican party, its rise and fall, 135, 136; merged into Whig party, 141.
Navigation question discussed in Kentucky, 71, 99.
Negroes, recruited in Kentucky, 197; vote for first time, 210.
Nelson County, 84.
Nelson, General William, Federal commander, 174, 180; commands Richmond troops, 190.
Neutrality, position of Kentucky, 161–172; still maintained, 174; abandoned, 175, 176.
New court of appeals, organized, 132; abolished, 134.
New Court party, founded, 134; controversy with Old Court party, 149.
New Kentucky, The, 205–225.
New Orleans, Wilkinson's trading expedition to, 71; proposed expedition against, 99,

100; Spanish negotiations at, 101; becomes an American possession, 110; battle of, 126.
Newport, Kentucky volunteers at, 122.
Newspaper, first in Kentucky, 72.
Nicholas, George, attorney-general, 95.
Nicholas, Samuel Smith, lawyer, 201.
Ninth independence convention, 83.
Normal Schools, 212, 224.
North and South, difference in point of view, 151, 152; growth of enmity between, 162.
Northern Bank of Kentucky, established, 143.
Northwest, end of war in the, 125.
Nullification, doctrine of, 107.

O'Hara, Kane, 148.
O'Hara, Theodore, soldier and poet, 148.
O'Hara and His Elegies, by George W. Ranck, 148, n. 1.
Observer and Reporter, Lexington, 159.
Official changes, important, 189.
Ohio Land Company in Kentucky, 12.
Ohio River, bounty lands granted on, 14; its importance to Kentucky, 71.
Old Court party, founded, 134; controversy with New Court party, 149.
"Old Wisdom," John Bradford known as, 94.
Oldham, Colonel William, expedition against Indians, 88.
Omnibus Bill, Clay's, 156.
Opposition, to Lincoln in Kentucky, 196; to negro recruiting in Kentucky, 198.
Opposition party, 159.
Ormsby, Colonel, in Mexican War, 145.
Owen, Colonel Abraham, his death at Tippecanoe, 115.
Owen County, named after Colonel Owen, 115; Confederate forces in, 174.
Owsley, Judge William, elected governor, 144.

Paducah, Federal forces at, 175; Confederate sentiment in, 177.
Paine, Brigadier General E. A., his oppressive military rule, 199, 200; deposed, 202.
Pakenham, General Sir Edward, commander at New Orleans, 126.
Palmer, General John M., 202, 217.
Panic, of 1873, 211; of 1892, 216.
Paper currency, and its effects, 128; abundance of, 143.
Paris, name of Houston's Station changed to, 84; Democratic Club in, 99.
Parliament of Boonesborough, 22.
Parraud's translation of Filson's History, 57.
Party names, change of, 134, 135.
Patterson, Colonel Robert, settles at McClellan's Station, 23; a founder of Lexington, 37; partner of Filson, 56.
Patterson, James K., president of State College, 212.
Payne, Brigadier General John, commander at Georgetown, 118.
Paynter, Thomas H., U. S. senator, 218.
Peace Conference at Washington, 165.
Peace, restoration of, 205–211.
Penitentiary, Governor Blackburn's humane changes in, 213.
Perry, Commodore, his victory on Lake Erie, 122, 123.
Perryville battle of, 192.
Petitions to Virginia Assembly, 61, 65, 66; to the people, 61; of seventh convention, 79; against the Indians, 85.
Philadelphia, gift for Kentucky's centenary, 215.
Pierce, Franklin, elected President, 157.
Pilgrims settle Plymouth, 69.
Pillow, General Gideon J., Confederate commander, 182.
Pioneer days, 9–49.
Pioneer women of Kentucky, 23–27.
Pisgah, Kentucky Academy established at, 58.
Pittsburgh Landing, Grant encamps at, 183.
Planetarium, Barlow's, 137.
Plymouth, settled by Pilgrims, 69.
Point Pleasant, battle of, 16–18, 19; victory of, 87; Colonel Shelby at battle of, 90.
Political Beginnings of Kentucky, The, by J. M. Brown, 73, n. 1.
Political Club, founded at Danville, 74.
Political Club, The, by Thomas Speed, 74, n. 1.
Political, issues in 1793, 98; situation in Kentucky, 105, 115; conflict in Kentucky, 127; contests of 1844, 143, 144; situation in 1864, 201, 202; situation from 1875, 213–225.
Politics, national, 217.
Polk, General Leonidas, invades Kentucky, 174, 175; offers conditional withdrawal, 175.
Polk, James K., elected President, 144.
Ponce de Leon discovers Florida, 69.
Pope, John, offers amendment to Kentucky resolutions, 108.
Pope, William, appointed lieutenant colonel, 40.
Population of Kentucky County, 32; of Kentucky in 1850, 152.
Populist ticket, 216, 218.
Populists in legislature of 1896, 217.
Powell, Lazarus W., Democratic nominee for governor, 149; elected governor, 157.

Powell's Valley, exploration of, 12, 16.
Power, Thomas, agent in Spanish conspiracies, 101, 105.
Prentice, George D., editor of Louisville *Journal*, 159.
Presbyterians, in Kentucky, 84; Center College established by, 210.
Preston, Colonel William, surveyor, 14.
Preston, William, Confederate leader, 179; delegate to Virginia, 181.
Primary law, 222.
Proclamation, of neutrality in Kentucky, 169; of emancipation, 196.
Proctor, General, at Frenchtown, 119; at Fort Meigs, 121; pursuit of his army, 123; encamped at Moravian Towns, 125.
Prohibition movement in Kentucky, 223.
Prohibition, 214, 216, 218, 223.
Prophet, Indian chief, 114.
Proslavery movement in Kentucky, 155.
Prosperity, financial, 128, 208, 211.
Provost marshals appointed, 187.
Public education in Kentucky, 212.
Public school system reformed, 210, 211.
Publications of the Filson Club, 21, n. 2, 29, n. 1, 74, n. 1, 213.
Pulaski County, battle in, 181.

Radical or Republican party, 206.
Radical Union convention, 201, 202.
Radical Union party, 196, 200.
Rafinesque, Professor C. S., of Transylvania University, 137.
Raisin, Indian massacre at, 120.
Ranck, George W., author of *The Traveling Church*, 84, n. 1; author of *O'Hara and His Elegies*, 148, n. 1.
Recapitulations, 18, 28, 39, 48, 58, 67, 80, 92, 103, 115, 126, 139, 150, 159, 171, 184, 194, 203, 211.
Recovery, Fort, General Wayne at, 100.
Recruits, Lincoln demands 197; opposition to negro, 197.
Red River, pioneer encampment on, 13.
Reform, in public school system, 210, 211, 212; in legislation, 215.
Regulators or Kuklux, 209, 210.
Relief measures, after War of 1812, 129; attempt to revive, 143.
Relief party organized, 129; its temporary power, 131; becomes New Court party, 134.
Religious denominations in Kentucky, 84, 85.
Repeal bill of court of appeals, 132.
Repeal of Alien and Sedition laws, 109; of Replevin law, 134.
Replevin law, passed, 129; declared unconstitutional, 130; repealed, 134; decision against, 141.
Representatives, length of term and how chosen, 89, 230.
Republican party, opposed to Anti-Federalists, 99; strong in Kentucky, 108; Conservatives unite with, 206; Freedmen's Bureau arouses opposition to, 209; in national power, 214; their ticket in 1887, 214; their victory in 1895, electing first Republican State ticket, 216; elect Deboe U. S senator, 218; disputed election of 1899, 219; their victories in 1907 and 1908, 220, 221.
Resolutions, of 1798, 107; of General Assembly, 175, 176.
Revival, religious, 112.
Revolutionary War, English strongholds during, 32; sentiment in Kentucky, 37.
Reynolds, Aaron, his speech at Bryan's Station, 45.
Rice, David, chairman of Transylvania University board, 57.
Richmond, Burr's trial at, 112; Confederate government organized at, 174; battle of, 190.
Riflemen, gathering of, 46.
Robertson, George, member of Anti-Relief party, 129; judge in court of appeals, 201; his career, 201.
Robinson, Camp Dick, Federal regiments in, 174.
Robinson, James F., becomes acting governor, 189.
Rodman, John, elected attorney-general, 207.
Rome, N. Y., formerly Fort Stanwix, 14.
Roosevelt, Theodore, author of *St. Clair's Defeat*, 88.
Rousseau, Lovell H., Unionist, 169.
Rowan, John, member of Relief party, 129.
Ruddle's and Martin's stations captured, 39.
Russell, Captain, at Point Pleasant, 17.
Russellville, Confederate delegates at, 180.

Saint Asaph's, Saint Augustine, etc., see "St."
Salt River selected for settlement, 16, 19.
School system, 210, 211, 212, 213.
Schools in Kentucky, first, 38, 39, 57.
Schools, Normal, 212, 224.
Scientific and artistic life in Kentucky, 137, 138.
Scotch-Irish race in Kentucky, 17, 26.
Scott, General Charles, member of Board of War, 87; his expedition against Indians, 88; commands Kentucky militia, 96; at Fort Recovery, 100; elected governor, 114; appoints Harrison commander of Kentucky militia, 118.

Scott, J. M., commander of militia, 117.
Sebastian, Benjamin, his treachery to Kentucky, 76; receives pension, 80; judge in court of appeals, 96; agent in Spanish conspiracies, 101, 105; his treachery exposed, 101; trial of, 113.
Secession of Southern States, 162, 163.
Second constitutional convention, 108, 109.
Second independence convention, 62.
Second invasion of Kentucky, 186, 195.
Second Spanish conspiracy, 101.
Self-protection, right granted Kentucky, 64.
Senators, State, election, length of term, etc., 89, 230.
Separation of Kentucky from Virginia, first conventions for, 61, 62; first act of separation, 62, 63; self-protection authorized, 63, 64; postponement of separation, 65–67; action in regard to Spanish conspiracy, 69–71; further conventions, 73; delay in presenting applications, 73–76; people's patience and prudence, 76, 77; opposing sentiments in regard to Virginia's course 77, 78; turning point in contest, 79; loyalty of Kentucky, 80; further delay in Congress, 82, 83, 84; last convention, 89; Kentucky becomes an independent State, 89; the new government, 89–92.
Settlements in Kentucky, early, 19, 27.
Seventh independence convention, 76, 77, 78.
Shackleford, Colonel James N., Kentucky Federal leader, 182.
Shaler, Nathaniel Southgate, author of *Kentucky*, 92, n. 1; chief of geological survey, 211.
Shawnee Indians in Kentucky, 16–18; yield Kentucky to the English, 19; rumored march against, 43; proposed attack against, 65.
Sheaf of Wheat inn, Governor Shelby's stay at, 95.
Shelby, Captain Evan, at battle of Point Pleasant, 17.
Shelby, Colonel Isaac, trustee of Transylvania University, 57; member of Board of War, 87; elected first governor of Kentucky, 90; account of, 90–92; his journey to Lexington, 93, 94; his inauguration, 94, 95; his address to the two houses, 95; drafts 1000 militiamen, 97; his position at time of French conspiracy, 100; at battle of Point Pleasant, 117; governor, 118; re-elected governor, 120, 121; at Newport, 122.
Shiloh, battle of, 183, 184.
Siege of Boonesborough, 35, 36.
Silver, paper currency substituted for, 128; contest over free, 216, 217.
Simms, William E., Kentucky delegate to Virginia, 181.
Sisters of Loretto, convent of, 84.
Six Nations, Kentucky purchased from, 14, 19.
Sixth independence convention at Danville, 75, 76.
Skins used as currency, 128.
Slaughter, Gabriel, becomes governor, 127.
Slavery, prohibited in Kentucky, 90; Clay opposed to, 107; provisions for its continuation, 150; in revised constitution of Kentucky, 150, 152; as cause of Civil War, 151; in the South and in Kentucky, 151, 152; opposition to its abolition in Kentucky, 152, 153; question affected by annexation of Texas, 156; war necessary for its abolition, 173; abolished in District of Columbia, 186; property rights not to be interfered with, 186; Emancipation Proclamation issued, 196; Thirteenth Amendment, 203; Freedmen's Bureau, 208, 209; negroes obtain right of suffrage, 209.
Slaves, characteristics of, 153, 154.
Smith, D. Howard, elected auditor, 207.
Smith, General E. Kirby, invades Kentucky, 190, 191; at Harrodsburg, 192.
Smith, General Green Clay, pursues Morgan, 189.
Smith, Z. F., superintendent of public instruction, 207.
Social life in Kentucky in 1825, 136, 137.
South Carolina secedes, 162.
Southern point of view, how different from Northern, 151, 152.
Southern Rights convention against Lincoln, 202.
"Southern Rights" element in legislature, 167.
Southern States, slavery in, 151; secession of, 162.
Southern territory of United States, its extent, 69.
Spain, purposed alliance with, 78, 101; animosity towards, 98; Lexington Club demands right of Mississippi from, 99; treaty with United States, 101; cedes Louisiana to French, 109.
Spanish colony of St. Augustine founded, 69; possessions in America, 69, 70; conspiracy, first, 69–81; conspiracy, second, 101; conspiracy, third, 105; silver dollars as currency, 128.
Spanish Conspiracy, The, by T. M. Green, 71.
Specie payment suspended, 143.
Speculation, bad results of, 143.
Speed, James, trustee of Transylvania University, 57.

Speed, James, votes for the Union, 169; an able lawyer, 201; joins Republicans, 207.
Speed, Thomas, author of *The Wilderness Road*, 21, n. 1; author of *The Political Club*, 24, n. 1.
Spottsylvania County, Va., emigration from, 84.
St. Asaph's Station, delegates from, 21, 22.
St. Augustine, Spanish colony, 69.
St. Clair, General Arthur, appointed commander in chief of army of Northwest, 87; Kentucky opposed to, 88; defeated at Wabash River, 89; retires from command, 97.
St. Clair's Defeat, by Theodore Roosevelt, 88, n. 1.
Stanwix, Fort, treaty of, 14.
State banks, rise of, 143.
State College of Kentucky, 212.
State constitution, revision of, 108, 109, 150, 214, 215.
State Guards, 169, 176, 177.
State militia, in conflict with legislature in 1900, 219.
State penitentiary, Blackburn's humane changes in, 213.
State Rights, doctrine of, 107, 108, 151, 155.
State University, 212, 213, 224.
Statutory courts abolished, 215.
Steamboat invented, 102, 103.
Stephens, Alexander H., author of *War between the States*, 151, n. 1.
Stevenson, John W., elected lieutenant governor, 207; appointed governor, 207, 208; elected to U. S. Senate, 210.
Stewart, James, at battle of Point Pleasant, 17.
Stewart, John, captured by Indians, 13.
Stoner, Michael, guide to surveyors in Kentucky, 16.
Stricken Heart, Convent of, 84.
Struggle for independence, in Kentucky, 50–92; beginning of, 59–68; end of, 82–92.
"Sue Munday," chief of guerrilla raiders, hung, 199.
Suffrage right, extent of, 90; negro, 209.
Sumter, Fort, first gun fired at, 165.
Superior court abolished, 215.
Supreme and superior courts, the judicial power, 89, 90.
Surrender of army of Northern Virginia, 203.
Surveyors in Kentucky, 14, 15.
Sycamore Shoals, Indian assemblage at, 20.

Tate, J. W., elected treasurer, 207.
Taylor, General Zachary, in Mexican War, 145.
Taylor, Hancock, early surveyor, 14.
Taylor, Harrison, Conservative nominee for lieutenant governor, 206.
Taylor, William S., governor, 219.
Tecumseh, chief of Wabash Indians, 114; restrains massacre of Americans, 122; death of, 125.
Tenth convention, 83, 89.
Territory of U. S., extent of Southern, 69.
Texas, Clay's opposition to its annexation, 144; admitted to Union, 144; effect of its annexation, 156; secedes, 162.
Thames, battle of, 125.
Third independence convention, 62.
Third revision of State constitution, 150.
Third Spanish conspiracy, 105.
Thirteenth Amendment, adopted, 203, 208; opposed by Kentucky, 203.
Thomas, Major General George H., at Mill Springs, 181.
Thompson, James, surveyor, 40.
Thorne, William P., lieutenant governor, 224.
Tilghman, General Lloyd, goes over to Confederates, 177; surrenders Fort Henry, 182.
Timber regions in Kentucky, 211.
Tippecanoe, battle of, 114, 115.
Tobacco war, 221.
Todd, Colonel Charles S., ambassador, 125.
Todd, Colonel John, surveyor in Kentucky, 15; member of first Harrodsburg court 29, 30; elected governor of Illinois County, 33; appointed colonel Fayette County, 40; at battle of Blue Licks, 46.
Todd, Major Levi, surveyor in Kentucky, 15; clerk of Kentucky County, 30; at siege of Bryan's Station, 45; at Blue Licks, 46, 47; intercourse with Filson, 56.
Todd, Thomas, second convention for independence, 61, 62; clerk of constitutional convention, 108; appointed judge in U. S. supreme court, 113; member of war council, 118.
Tompkins, Christopher, member of Anti-Relief party, 129; Anti-Relief candidate for governor, 131.
Tompkinsville, Morgan's army, at, 188.
Trade in America, 127.
Transition era in Kentucky, 212–225.
Transylvania, colony of, 20, 21; purchase annulled, 22; title annulled, 29.
Transylvania Seminary, 57, 83.
Transylvania University founded, 58; its high rank, 137; goes out of existence, 210.
Transylvania University, new, 212.
Trappist monks at Bardstown, 84.
Traveling Church, Ranck's, 84.

Treaties, of Fort Stanwix, 14; of Shawnee Indians, 17, 18; between U. S. and Great Britain, 50; with Spain proposed, 70; with Indians, 86; between U. S. and Spain, 101; of Ghent, 125; between U. S. and Mexico, 147.
Trigg, Stephen, at Logan's fort, 37; lieutenant colonel, 40; at Blue Licks, 46, 47.
Trimble, John, member Relief party, 129; associate justice, 132.
True American, abolition paper, 154, 155.
Truman, Major, murdered by Indians, 97.
Twelfth Street fort in Louisville, 34.
Twetty, Wm., cuts roads in Kentucky, 21.
Tyler, President, admits Texas, 144.

"Underground railroad," 152.
Underwood, Judge Joseph R., member Opposition party, 159; joins Union party, 169.
Union party, 162–164, 166–168, 173, 174, 178, 196, 205.
United States Bank, at Louisville and Lexington, 134; Jackson vetoes bill of recharter, 143.

Vera Cruz, capture of, 147.
Vincennes, capture of, 33.
Virginia, Kentucky a part of, 14, 29; protects Kentucky settlers, 22; its relation to Kentucky, 59, 60; Kentucky petitions for separation from, 61, 62, 63; Kentucky's bitterness against, 66, 67, 77, 78; seventh convention's address to, 79, 80; legislature's action in regard to Kentucky, 83; Kentucky separated from, 89; concurs with Kentucky, 108.

Wabash Indians, proposed attack on, 64; expedition against, 88, 89; rebellion of, 114.
Wadsworth, Wm. H., Union delegate to Congress, 170; opposes abolition, 186; against negro recruiting, 198; Republican, 207.
Walker, Dr. Thomas, pioneer, 12.
Wallace, Caleb, trustee Transylvania University, 57; judge court of appeals, 96.
Wallace, General Lew, at Cincinnati, 191.
War between the States, Stephens's, 151.
War debt, 128.
War Department, orders to Kentucky, 197.
Warfield, Ethelbert D., author, 107.
Wars, Indian, 13, 14, 16–18, 21, 30–39, 40, 41, 59, 63, 64, 85–89, 97, 114, 115, 120, 122; French and Indian, 14, 32; Revolutionary, 37; War of 1812, 116–126; Mexican, 141–150; Civil, 151–204.
Washington, George, President U. S., 83; his policy in French War, 98; his action in French conspiracy, 100; monument to, 155.
Washington, Peace Conference at, 165.
Watauga River, Indian assemblage at, 20.
Watauga settlement, volunteers from, 17.
Wayne, General, commander of armies of Northwest, 97; military ability, 98; campaign against Indians, 100, 101.
Webster, Miss Delia A., abolitionist, 152, n. 1.
Wells, Colonel Samuel, rescues Floyd, 41, 42; at Georgetown, 117; at Frenchtown, 119.
West, Edward, invents steamboat, 103.
West, M. D., quartermaster general of State Guards, 170; superseded by Dudley, 179.
Wheeling, proposed attack on, 42.
Whig party, in power, 141, 143; downfall of, 157.
"White Renegade," Girty's nickname, 45, 46.
Wickliffe, Charles A., at Peace Conference, 165; Union delegate to Congress, 170.
Wickliffe, D. C., editor, 159.
Wickliffe, Robert, Anti-Relief member, 129.
Wilderness Road, 21, 53.
Wilkinson, General James, his store, 54, 55; his petition, 61; member fourth convention, 62, 63; inflames opposition against Virginia, 66, 70; his treasonable Spanish project, 70–72, 76; schemes in Fayette election, 77–80; in Indian warfare, 88, 97; major general, 109, 110; New Orleans delivered to, 110.
William and Mary College, 83.
Williams, Gen. John S., at Cerro Gordo, 147; Confederate leader, 179; U. S. senator, 213.
Williams, John, clerk at Logan's fort, 37.
Willson, Augustus E., governor, 220, 221; candidate for U. S. Senator, 223.
Winchester, General, 118, 119.
Wolfe, Judge Nathaniel, Unionist, 159, 169.
Wolford, Colonel Frank L., Federal, 181; pursues Morgan, 189; arrested, 198.
Woman Triumphant, group by Hart, 139.
Woodford County established, 83, 84.
Woolly, Aaron K., lawyer, 201.
Wyandots, Estill's pursuit of the, 42.

Yorktown, Cornwallis's surrender at, 50.
Young, John C., president Center College, 210.

Zollicoffer, General, invades Kentucky, 175, 180; killed at Mill Springs, 181.

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